

(Added Pub. L. 89-613, §1, Sept. 30, 1966, 80 Stat. 861, §1766; renumbered §3566, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

REFERENCES IN TEXT

Section 14 of the Armed Forces Voluntary Recruitment Act of 1945, referred to in subsec. (b), means section 14 of act Oct. 6, 1945, ch. 393, 59 Stat. 543, which enacted section 637 of former Title 10, Army and Air Force, and was omitted from the Code in the revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1766 of this title as this section.

CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

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[SUBCHAPTER III—REPEALED]

[3698, 3699. Repealed.]

AMENDMENTS

2008—Pub. L. 110-389, title III, §326(a)(2)(B), Oct. 10, 2008, 122 Stat. 4169, substituted "Approval activities: cooperation and coordination of activities" for "Cooperation" in item 3673.

Pub. L. 110-387, title IX, §901(a)(3), Oct. 10, 2008, 122 Stat. 4142, substituted "Procedures relating to com-

puter matching program" for "Procedures relating to computer matching programs" in item 3684A.

2003—Pub. L. 108-183, title III, §306(g), Dec. 16, 2003, 117 Stat. 2661, struck out subchapter III heading "EDUCATION LOANS" and items 3698 "Eligibility for loans; amount and conditions of loans; interest rate on loans" and 3699 "Revolving fund; insurance".

2000—Pub. L. 106-419, title I, §122(c)(2), Nov. 1, 2000, 114 Stat. 1837, added item 3689.

1996—Pub. L. 104-275, title I, §103(a)(1)(B), Oct. 9, 1996, 110 Stat. 3326, struck out item 3689 "Period of operation for approval".

1992—Pub. L. 102-568, title III, §313(a)(8), Oct. 29, 1992, 106 Stat. 4333, added item 3680A.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1770 to 1799 as 3670 to 3699, respectively.

Pub. L. 102-16, §2(b)(4), Mar. 22, 1991, 105 Stat. 49, added item 1797A.

1990—Pub. L. 101-366, title II, §206(c), Aug. 15, 1990, 104 Stat. 442, added item 1784A.

1988—Pub. L. 100-689, title I, §124(c)(3), Nov. 18, 1988, 102 Stat. 4175, substituted in heading for subchapter III "EDUCATION LOANS" for "EDUCATION LOANS TO ELIGIBLE VETERANS AND ELIGIBLE PERSONS".

Pub. L. 100-687, div. B, title XIII, §1302(b), Nov. 18, 1988, 102 Stat. 4128, added item 1797.

Pub. L. 100-323, §13(b)(1)(B), May 20, 1988, 102 Stat. 573, added item 1774A.

1982—Pub. L. 97-295, §4(48), Oct. 12, 1982, 96 Stat. 1308, substituted "Payment of educational assistance or subsistence allowances" for "Payment of educational or subsistence assistance allowances" in item 1780.

1980—Pub. L. 96-466, title III, §343(b)(2), Oct. 17, 1980, 94 Stat. 2199, substituted "Reports by veterans, eligible persons, and institutions" for "Reports by institutions" in item 1784.

1976—Pub. L. 94-502, title V, §511(2), Oct. 15, 1976, 90 Stat. 2402, substituted "Compliance surveys" for "Institutions listed by Attorney General" in item 1793.

1974—Pub. L. 93-508, title II, §212(b), title III, §301(b), Dec. 3, 1974, 88 Stat. 1586, 1591, added subchapter III heading and items 1796, 1798, and 1799.

1972—Pub. L. 92-540, title IV, §406, Oct. 24, 1972, 86 Stat. 1091, redesignated items 1788 to 1791 as 1792 to 1795, added items 1780 and 1788 to 1791, and substituted in item 1786 "Correspondence courses" for "Examination of records" and in item 1787 "Apprenticeship or other on-job training" for "False or misleading statements".

1970—Pub. L. 91-219, title II, §213(2), Mar. 26, 1970, 84 Stat. 84, substituted "Limitations on educational assistance" for "Nonduplication of benefits" as item 1781.

1968—Pub. L. 90-631, §1(d)(2), Oct. 23, 1968, 82 Stat. 1331, added item 1791.

1967—Pub. L. 90-77, title III, §§304(e), 308(b), Aug. 31, 1967, 81 Stat. 188, 189, added item 1777 and renumbered former items 1777 and 1778 as 1778 and 1779, respectively, and provided for the reporting fee in item 1784.

1966—Pub. L. 89-358, §3(a)(4), Mar. 3, 1966, 80 Stat. 20, substituted "CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS" heading, including Subchapter I and II analyses, preceding section 1770 of this title for "SUBCHAPTER VII—STATE APPROVING AGENCIES" heading preceding section 1771 of this title, Subchapter VII heading being redesignated Subchapter I.

SUBCHAPTER I—STATE APPROVING AGENCIES

§ 3670. Scope of approval

(a) A course approved under and for the purposes of this chapter shall be deemed approved for the purposes of chapters 34 and 35 of this title.

(b) Any course approved under chapter 33 of this title, prior to February 1, 1965, under sub-

chapter VII of chapter 35 of this title, prior to March 3, 1966, and not disapproved under section 3483, section 1656 (as in effect prior to February 1, 1965), or section 3679 of this title, shall be deemed approved for the purposes of this chapter.

(Added Pub. L. 89-358, §3(a)(5), Mar. 3, 1966, 80 Stat. 20, §1770; amended Pub. L. 92-540, title IV, §403(1), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 97-295, §4(49), Oct. 12, 1982, 96 Stat. 1308; renumbered §3670 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

REFERENCES IN TEXT

Chapter 33 of this title, prior to February 1, 1965, referred to in subsec. (b), means Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1174 to 1192, which was classified to sections 1601, 1610 to 1613, 1620 to 1626, 1631 to 1634, 1641 to 1645, 1651 to 1656, and 1661 to 1669 of this title, and was repealed by section 4(a) of Pub. L. 89-358.

Subchapter VII of chapter 35 of this title, prior to March 3, 1966, referred to in subsec. (b), means Pub. L. 88-126, §1, Sept. 23, 1963, 77 Stat. 158 to 162, which was classified to sections 1771 to 1778 of this title, and was redesignated as subchapter I of this chapter by section 3(a)(4) of Pub. L. 89-358.

Section 1656 of this title, as in effect prior to February 1, 1965, referred to in subsec. (b), is Pub. L. 85-857, §1656, Sept. 2, 1958, 72 Stat. 1189, which was repealed by section 4(a) of Pub. L. 89-358, and is covered by section 3679 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1770 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3483” for “1683” and “3679” for “1779”.

1982—Subsec. (b). Pub. L. 97-295 substituted “March 3, 1966” and “section 1779” for “the date of enactment of this chapter” and “section 1778”, respectively.

1972—Subsec. (b). Pub. L. 92-540 substituted “1683” for “1686”.

§ 3671. Designation

(a) Unless otherwise established by the law of the State concerned, the chief executive of each State is requested to create or designate a State department or agency as the “State approving agency” for such State for the purposes of this chapter and chapters 34 and 35 of this title.

(b)(1) If any State fails or declines to create or designate a State approving agency, or fails to enter into an agreement under section 3674(a), the provisions of this chapter which refer to the State approving agency shall, with respect to such State, be deemed to refer to the Secretary.

(2) Except as otherwise provided in this chapter, in the case of courses subject to approval by the Secretary under section 3672 of this title, the provisions of this chapter which refer to a State approving agency shall be deemed to refer to the Secretary.

(Added Pub. L. 88-126, §1, Sept. 23, 1963, 77 Stat. 158, §1771; amended Pub. L. 89-358, §3(a)(6), Mar. 3, 1966, 80 Stat. 20; Pub. L. 92-540, title IV, §403(2), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 94-502, title V, §513(a)(1), Oct. 15, 1976, 90 Stat. 2402; Pub. L. 100-323, §13(b)(4), May 20, 1988, 102 Stat. 573; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3671 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 111-377, title II, §203(a)(2)(B), Jan. 4, 2011, 124 Stat. 4125.)

AMENDMENTS

2011—Subsec. (b)(2). Pub. L. 111-377 substituted “Except as otherwise provided in this chapter, in the case” for “In the case”.

1991—Pub. L. 102-83, §5(a), renumbered section 1771 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3674(a)” for “1774(a)” in par. (1) and “3672” for “1772” in par. (2).

1989—Subsec. (b). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

1988—Subsec. (b)(1). Pub. L. 100-323 inserted “or fails to enter into an agreement under section 1774(a),” after “State approving agency.”

1976—Subsec. (a). Pub. L. 94-502 substituted “such” for “his”.

1972—Subsec. (a). Pub. L. 92-540 inserted “this chapter and” after “purposes of”.

1966—Subsec. (a). Pub. L. 89-358 substituted “chapters 34 and 35 of this title” for “this chapter after the date for the expiration of all education and training provided in chapter 33 of this title. Such agency may be the agency designated or created in accordance with section 1641 of this title”.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 203(e) of Pub. L. 111-377, set out as a note under section 3034 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

§ 3672. Approval of courses

(a) An eligible person or veteran shall receive the benefits of this chapter and chapters 34 and 35 of this title while enrolled in a course of education offered by an educational institution only if (1) such course is approved as provided in this chapter and chapters 34 and 35 of this title by the State approving agency for the State where such educational institution is located, or by the Secretary, or (2) such course is approved (A) for the enrollment of the particular individual under the provisions of section 3536 of this title or (B) for special restorative training under subchapter V of chapter 35 of this title. Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and chapters 34 and 35 of this title and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Secretary with a current list of educational institutions specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Secretary as it and the Secretary may determine to be necessary to carry out the purposes of this chapter and chapters 34 and 35 of this title. Each State approving agency shall notify the Secretary of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

(b)(1) The Secretary shall be responsible for the approval of courses of education offered by any agency of the Federal Government authorized under other laws to supervise such education. The Secretary may approve any course in any other educational institution in accordance with the provisions of this chapter and chapters 34 and 35 of this title.

(2)(A) Subject to sections 3675(b)(1) and (b)(2), 3680A, 3684, and 3696 of this title, the following

programs are deemed to be approved for purposes of this chapter:

(i) An accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that is accredited by an agency or association recognized for that purpose by the Secretary of Education.

(ii) A flight training course approved by the Federal Aviation Administration that is offered by a certified pilot school that possesses a valid Federal Aviation Administration pilot school certificate.

(iii) An apprenticeship program registered with the Office of Apprenticeship (OA) of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (popularly known as the "National Apprenticeship Act"; 29 U.S.C. 50 et seq.).

(iv) A program leading to a secondary school diploma offered by a secondary school approved in the State in which it is operating.

(B) A licensure test offered by a Federal, State, or local government is deemed to be approved for purposes of this chapter.

(c)(1) In the case of programs of apprenticeship where—

(A) the apprenticeship standards have been approved by the Secretary of Labor pursuant to section 2 of the Act of August 16, 1937 (popularly known as the "National Apprenticeship Act") (29 U.S.C. 50a), as a national apprenticeship program for operation in more than one State, and

(B) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Secretary shall act as a "State approving agency" as such term is used in section 3687(a)(1) of this title and shall be responsible for the approval of all such programs.

(2) The period of a program of apprenticeship may be determined based upon a specific period of time (commonly referred to as a "time-based program"), based upon the demonstration of successful mastery of skills (commonly referred to as a "competency-based program"), or based upon a combination thereof.

(3)(A) In the case of a competency-based program of apprenticeship, State approving agencies shall determine the period for which payment may be made for such a program under chapters 30 and 35 of this title and chapter 1606 of title 10. In determining the period of such a program, State approving agencies shall take into consideration the approximate term of the program recommended in registered apprenticeship program standards recognized by the Secretary of Labor.

(B) The sponsor of a competency-based program of apprenticeship shall provide notice to the State approving agency involved of any such standards that may apply to the program and the proposed approximate period of training under the program.

(4) The sponsor of a competency-based program of apprenticeship shall notify the Sec-

retary upon the successful completion of a program of apprenticeship by an individual under chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be.

(d)(1) Pursuant to regulations prescribed by the Secretary in consultation with the Secretary of Labor, the Secretary and State approving agencies shall actively promote the development of apprenticeship and on the job training programs for the purposes of sections 3677 and 3687 of this title and shall utilize the services of disabled veterans' outreach program specialists under section 4103A of this title to promote the development of such programs. The Secretary of Labor shall provide assistance and services to the Secretary, and to State approving agencies, to increase the use of apprenticeships.

(2) In conjunction with outreach services provided by the Secretary under chapter 77 of this title for education and training benefits, each State approving agency shall conduct outreach programs and provide outreach services to eligible persons and veterans about education and training benefits available under applicable Federal and State law.

(e) A program of education exclusively by correspondence, and the correspondence portion of a combination correspondence-residence course leading to a vocational objective, that is offered by an educational institution (as defined in section 3452(c) of this title) may be approved only if (1) the educational institution is accredited by an entity recognized by the Secretary of Education, and (2) at least 50 percent of those pursuing such a program or course require six months or more to complete the program or course.

(Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 158, § 1772; amended Pub. L. 89-358, § 3(a)(7), (8), Mar. 3, 1966, 80 Stat. 20, 21; Pub. L. 91-219, title II, § 211, Mar. 26, 1970, 84 Stat. 83; Pub. L. 92-540, title IV, § 403(3)-(5), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 96-466, title V, § 502, Oct. 17, 1980, 94 Stat. 2203; Pub. L. 97-295, § 4(50), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 101-237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3672 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, § 605(a)(1), Nov. 2, 1994, 108 Stat. 4671; Pub. L. 107-103, title III, § 303, Dec. 27, 2001, 115 Stat. 992; Pub. L. 108-454, title I, §§ 104(a), (b), 110(b), Dec. 10, 2004, 118 Stat. 3601, 3602, 3605; Pub. L. 111-377, title II, § 203(a)(1), Jan. 4, 2011, 124 Stat. 4124.)

REFERENCES IN TEXT

The Act of August 16, 1937, referred to in subsec. (b)(2)(A)(iii), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, popularly known as the National Apprenticeship Act, which is classified generally to chapter 4C (§ 50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and Tables.

AMENDMENTS

2011—Subsec. (b). Pub. L. 111-377 designated existing provisions as par. (1) and added par. (2).

2004—Subsec. (c). Pub. L. 108-454, §§ 104(a), 110(b)(1), designated existing provisions as par. (1), redesignated former par. (1) as subpar. (A) of par. (1) and inserted "apprenticeship" before "standards", redesignated former par. (2) as subpar. (B) of par. (1), and added pars. (2) to (4).

Subsec. (d)(1). Pub. L. 108-454, §§ 104(b), 110(b)(2), substituted "of apprenticeship and on the job training pro-

grams" for "of programs of training on the job (including programs of apprenticeship)" and inserted at end "The Secretary of Labor shall provide assistance and services to the Secretary, and to State approving agencies, to increase the use of apprenticeships."

2001—Subsec. (d). Pub. L. 107-103 designated existing provisions as par. (1), inserted "and State approving agencies" before "shall actively promote", and added par. (2).

1994—Subsec. (e). Pub. L. 103-446 added subsec. (e).

1991—Pub. L. 102-83, §5(a), renumbered section 1772 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "3536" for "1736".

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "3687(a)(1)" for "1787(a)(1)" in concluding provisions.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted "3677 and 3687" for "1777 and 1787" and "4103A" for "2003A".

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1982—Subsecs. (a), (b). Pub. L. 97-295, §4(50)(A), inserted "of this title" after "34 and 35" wherever appearing.

Subsec. (c)(1). Pub. L. 97-295, §4(50)(B), substituted "section 2 of the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act') (29 U.S.C. 50a)," for "section 50a of title 29".

1980—Subsec. (d). Pub. L. 96-466 added subsec. (d).

1972—Subsec. (a). Pub. L. 92-540, §403(3), (4), inserted "this chapter and" before "chapters 34 and 35" and substituted "1736" for "1737".

Subsec. (b). Pub. L. 92-540, §403(3), inserted "this chapter and" before "chapters 34 and 35".

Subsec. (c). Pub. L. 92-540, §403(5), substituted "1787(a)(1)" for "1683(a)(1)".

1970—Subsec. (c). Pub. L. 91-219 added subsec. (c).

1966—Subsec. (a). Pub. L. 89-358, §3(a)(7), (8), substituted "under subchapter V of chapter 35 of this title" for "under subchapter V of this chapter" in first sentence, and substituted "chapters 34 and 35" for "this chapter" twice in first sentence, and wherever appearing in second, third, and fourth sentences, and inserted "or veteran" after "eligible person", in first sentence.

Subsec. (b). Pub. L. 89-358, §3(a)(7), substituted "chapters 34 and 35" for "this chapter".

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 203(e) of Pub. L. 111-377, set out as a note under section 3034 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 605(b) of Pub. L. 103-446 provided that: "The amendments made by subsection (a) [amending this section and sections 3675, 3680, and 3686 of this title] shall apply with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after the date of the enactment of this Act [Nov. 2, 1994]."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as a note under section 4101 of this title.

§ 3673. Approval activities: cooperation and coordination of activities

(a) COOPERATION IN ACTIVITIES.—The Secretary and each State approving agency shall take cognizance of the fact that definite duties, functions, and responsibilities are conferred upon the Secretary and each State approving agency under the educational programs established under this chapter and chapters 34 and 35 of this title. To assure that such programs are effectively and efficiently administered, the cooperation of the Secretary and the State approving

agencies is essential. It is necessary to establish an exchange of information pertaining to activities of educational institutions, and particular attention should be given to the enforcement of approval standards, enforcement of enrollment restrictions, and fraudulent and other criminal activities on the part of persons connected with educational institutions in which eligible persons or veterans are enrolled under this chapter and chapters 34 and 35 of this title.

(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.

(c) AVAILABILITY OF INFORMATION MATERIAL.—The Secretary will furnish the State approving agencies with copies of such Department of Veterans Affairs informational material as may aid them in carrying out chapters 34 and 35 of this title.

(d) USE OF STATE APPROVING AGENCIES FOR COMPLIANCE AND OVERSIGHT ACTIVITIES.—The Secretary may utilize the services of a State approving agency for such compliance and oversight purposes as the Secretary considers appropriate without regard to whether the Secretary or the agency approved the courses offered in the State concerned.

(Added Pub. L. 88-126, §1, Sept. 23, 1963, 77 Stat. 158, §1773; amended Pub. L. 89-358, §3(a)(7), (11), Mar. 3, 1966, 80 Stat. 20, 21; Pub. L. 92-540, title IV, §403(6), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 97-295, §4(51), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered §3673, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 110-389, title III, §326(a)(1), (2)(A), (3), Oct. 10, 2008, 122 Stat. 4169; Pub. L. 111-377, title II, §203(b), Jan. 4, 2011, 124 Stat. 4125.)

AMENDMENTS

2011—Subsec. (d). Pub. L. 111-377 added subsec. (d).

2008—Pub. L. 110-389, §326(a)(2)(A), amended section catchline generally. Prior to amendment, catchline read as follows: "Cooperation".

Subsec. (a). Pub. L. 110-389, §326(a)(3)(A), inserted heading.

Subsecs. (b), (c). Pub. L. 110-389, §326(a)(1), (3)(B), added subsec. (b), redesignated former subsec. (b) as (c), and inserted heading in subsec. (c).

1991—Pub. L. 102-83 renumbered section 1773 of this title as this section.

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing in subsecs. (a) and (b) and "Department of Veterans Affairs" for "Veterans' Administration" in subsec. (b).

1982—Pub. L. 97-295 inserted "of this title" after "34 and 35" wherever appearing.

1972—Subsec. (a). Pub. L. 92-540 inserted "this chapter and" before "chapters 34 and 35" wherever appearing.

1966—Subsec. (a). Pub. L. 89-358, §3(a)(7), (11), substituted "chapters 34 and 35" for "this chapter" twice and inserted "or veterans" after "eligible persons".

Subsec. (b). Pub. L. 89-358, §3(a)(7), substituted "chapters 34 and 35" for "this chapter".

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 203(e) of Pub. L. 111-377, set out as a note under section 3034 of this title.

§ 3674. Reimbursement of expenses

(a)(1) Subject to paragraphs (2) through (4) of this subsection, the Secretary is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies and an allowance for administrative expenses in accordance with the formula contained in subsection (b) of this section in (A) rendering necessary services in ascertaining the qualifications of educational institutions for furnishing courses of education to eligible persons or veterans under this chapter and chapters 30 through 35 of this title and chapter 106 of title 10, and in the supervision of such educational institutions, and (B) furnishing, at the request of the Secretary, any other services in connection with such chapters. Each such contract or agreement shall be conditioned upon compliance with the standards and provisions of such chapters. The Secretary may also reimburse such agencies for work performed by their subcontractors where such work has a direct relationship to the requirements of such chapters, and has had the prior approval of the Secretary.

(2)(A) The Secretary shall make payments to State and local agencies, out of amounts available for the payment of readjustment benefits, for the reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out contracts or agreements entered into under this section, for expenses approved by the Secretary that are incurred in carrying out activities described in section 3674A(a)(3) of this title (except for administrative overhead expenses allocated to such activities), and for the allowance for administrative expenses described in subsection (b).

(B) The Secretary shall make such a payment to an agency within a reasonable time after the agency has submitted a report pursuant to paragraph (3) of this subsection.

(C) Subject to paragraph (4) of this subsection, the amount of any such payment made to an agency for any period shall be equal to the amount of the reasonable and necessary expenses of salary and travel certified by such agency for such period in accordance with paragraph (3) of this subsection plus the allowance for administrative expenses described in subsection (b) and the amount of expenses approved by the Secretary that are incurred in carrying out activities described in section 3674A(a)(3) of this title for such period (except for administrative overhead expenses allocated to such activities).

(3) Each State and local agency with which a contract or agreement is entered into under this section shall submit to the Secretary on a monthly or quarterly basis, as determined by the agency, a report containing a certification of the reasonable and necessary expenses incurred for salary and travel by such agency under such contract or agreement for the period covered by the report. The report shall be submitted in the form and manner required by the Secretary.

(4) The total amount made available under this section for any fiscal year shall be \$19,000,000.

(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Total salary cost reimbursable under this section	Allowable for administrative expense
\$5,000 or less	\$693.
Over \$5,000 but not exceeding \$10,000.	\$1,247.
Over \$10,000 but not exceeding \$35,000.	\$1,247 for the first \$10,000, plus \$1.155 for each additional \$5,000 or fraction thereof.
Over \$35,000 but not exceeding \$40,000.	\$7,548.
Over \$40,000 but not exceeding \$75,000.	\$7,548 for the first \$40,000, plus \$999 for each additional \$5,000 or fraction thereof.
Over \$75,000 but not exceeding \$80,000.	\$14,969.
Over \$80,000	\$14,969 for the first \$80,000, plus \$872 for each additional \$5,000 or fraction thereof.

(c) Each State and local agency with which the Secretary contracts or enters into an agreement under subsection (a) of this section shall report to the Secretary periodically, but not less often than annually, as determined by the Secretary, on the activities in the preceding twelve months (or the period which has elapsed since the last report under this subsection was submitted) carried out under such contract or agreement. Each such report shall describe, in such detail as the Secretary shall prescribe, services performed and determinations made in connection with ascertaining the qualifications of educational institutions in connection with this chapter and chapters 32, 34, and 35 of this title and in supervising such institutions.

(Added Pub. L. 88-126, §1, Sept. 23, 1963, 77 Stat. 159, §1774; amended Pub. L. 89-358, §3(a)(7), (8), (11), Mar. 3, 1966, 80 Stat. 20, 21; Pub. L. 90-631, §4, Oct. 23, 1968, 82 Stat. 1334; Pub. L. 92-540, title IV, §403(7), 411, Oct. 24, 1972, 86 Stat. 1090, 1092; Pub. L. 93-508, title II, §210(1), Dec. 3, 1974, 88 Stat. 1584; Pub. L. 94-502, title V, §503, Oct. 15, 1976, 90 Stat. 2399; Pub. L. 95-202, title III, §303, Nov. 23, 1977, 91 Stat. 1441; Pub. L. 96-466, title II, §§203(1), 213(1), Oct. 17, 1980, 94 Stat. 2188, 2190; Pub. L. 97-295, §4(51), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 100-323, §13(a)(1), (b)(5), May 20, 1988, 102 Stat. 571, 573; Pub. L. 101-237, title IV, §§414, 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2085, 2092; Pub. L. 102-16, §10(a)(7), Mar. 22, 1991, 105 Stat. 56; renumbered §3674 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, §606(a)(1), (b), Nov. 2, 1994, 108 Stat. 4672; Pub. L. 106-419, title I, §123, Nov. 1, 2000, 114 Stat. 1837; Pub. L. 107-14, §8(a)(7), June 5, 2001, 115 Stat. 34; Pub. L. 107-330, title III, §301, Dec. 6, 2002, 116 Stat. 2824; Pub. L. 110-252, title V, §5005, June 30, 2008, 122 Stat. 2379.)

AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110-252 substituted “shall be \$19,000,000.” for “may not exceed \$13,000,000 or, for

each of fiscal years 2001 and 2002, \$14,000,000, for fiscal year 2003, \$14,000,000, for fiscal year 2004, \$18,000,000, for fiscal year 2005, \$18,000,000, for fiscal year 2006, \$19,000,000, and for fiscal year 2007, \$19,000,000. For any fiscal year in which the total amount that would be made available under this section would exceed the amount applicable to that fiscal year under the preceding sentence except for the provisions of this paragraph, the Secretary shall provide that each agency shall receive the same percentage of the amount applicable to that fiscal year under the preceding sentence as the agency would have received of the total amount that would have been made available without the limitation of this paragraph."

2002—Subsec. (a)(4). Pub. L. 107-330 inserted ", for fiscal year 2003, \$14,000,000, for fiscal year 2004, \$18,000,000, for fiscal year 2005, \$18,000,000, for fiscal year 2006, \$19,000,000, and for fiscal year 2007, \$19,000,000" before period at end of first sentence.

2001—Subsec. (a)(2)(A). Pub. L. 107-14, § 8(a)(7)(A)(i), struck out ", effective at the beginning of fiscal year 1988," after "The Secretary shall" and substituted "section 3674A(a)(3)" for "section 3674A(a)(4)".

Subsec. (a)(2)(B). Pub. L. 107-14, § 8(a)(7)(A)(ii), substituted "paragraph (3)" for "paragraph (3)(A)".

Subsec. (a)(2)(C). Pub. L. 107-14, § 8(a)(7)(A)(iii), substituted "section 3674A(a)(3)" for "section 3674A(a)(4)".

Subsec. (c). Pub. L. 107-14, § 8(a)(7)(B), struck out "on September 30, 1978, and" before "periodically," and "thereafter," before "as determined by the Secretary."

2000—Subsec. (a)(4). Pub. L. 106-419 inserted "or, for each of fiscal years 2001 and 2002, \$14,000,000" before period at end of first sentence and substituted "the amount applicable to that fiscal year under the preceding sentence" for "\$13,000,000" in two places in second sentence.

1994—Subsec. (a)(3). Pub. L. 103-446, § 606(b), struck out "(A)" before "Each State" and struck out subpar. (B) which read as follows: "The Secretary shall transmit a report to the Congress on a quarterly basis which summarizes—

"(i) the amounts for which certifications were made by State and local agencies in the reports submitted under subparagraph (A) of this paragraph with respect to the quarter for which the report is made; and

"(ii) the amounts of the payments made by the Secretary for such quarter with respect to such certifications and with respect to administrative expenses."

Subsec. (a)(4). Pub. L. 103-446, § 606(a)(1), substituted "\$13,000,000" for "\$12,000,000" wherever appearing.

1991—Pub. L. 102-83, § 5(a), renumbered section 1774 of this title as this section.

Subsec. (a)(1)(A). Pub. L. 102-16 substituted "chapter 106" for "chapters 106 and 107".

Subsec. (a)(2)(A), (C). Pub. L. 102-83, § 5(c)(1), substituted "3674A(a)(4)" for "1774A(a)(4)".

1989—Subsec. (a). Pub. L. 101-237, § 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (a)(2)(A). Pub. L. 101-237, § 414(1), substituted "section, for expenses approved by the Secretary that are incurred in carrying out activities described in section 1774A(a)(4) of this title (except for administrative overhead expenses allocated to such activities), and for" for "section and for".

Subsec. (a)(2)(C). Pub. L. 101-237, § 414(2), inserted before period at end "and the amount of expenses approved by the Secretary that are incurred in carrying out activities described in section 1774A(a)(4) of this title for such period (except for administrative overhead expenses allocated to such activities)".

Subsec. (c). Pub. L. 101-237, § 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

1988—Subsec. (a)(1). Pub. L. 100-323, § 13(b)(5), in subpar. (A) substituted "chapters 30 through 35 of this title and chapters 106 and 107 of title 10" for "chapters 34 and 35 of this title", in subpar. (B) substituted "such chapters" for "chapters 34 and 35 of this title", and in provisions following subpar. (B) substituted "provisions of such chapters" for "provisions of chapters 34 and 35 of

this title" and "requirements of such chapters" for "requirements of chapter 32, 34, 35, or 36 of this title".

Pub. L. 100-323, § 13(a)(1)(A), (B), substituted "(1) Subject to paragraphs (2) through (4) of this subsection, the Administrator is" for "The Administrator is", and redesignated pars. (1) and (2) as subpars. (A) and (B), respectively.

Subsec. (a)(2) to (4). Pub. L. 100-323, § 13(a)(1)(C), added pars. (2) to (4).

1982—Subsec. (a). Pub. L. 97-295 inserted "of this title" after "34 and 35" wherever appearing.

1980—Subsec. (b). Pub. L. 96-466, § 213(1), increased allowance for administrative expenses by substituting "\$693" for "\$662", "\$1,247" for "\$1,191" in two places, "\$1,155" for "\$1,103", "\$7,548" for "\$7,205" in two places, "\$999" for "\$953", "\$14,969" for "\$14,288" in two places, and "\$872" for "\$833".

Pub. L. 96-466, § 203(1), increased allowance for administrative expenses by substituting "\$662" for "\$630", "\$1,191" for "\$1,134" in two places, "\$1,103" for "\$1,050", "\$7,205" for "\$6,862" in two places, "\$953" for "\$908", "\$14,288" for "\$13,608" in two places, and "\$833" for "\$793".

1977—Subsec. (b). Pub. L. 95-202, § 303(1), increased allowance for administrative expenses by substituting "\$630" for "\$600", "\$1,134" for "\$1,080" in two places, "\$1,050" for "\$1,000", "\$6,862" for "\$6,535" in two places, "\$908" for "\$865", "\$13,608" for "\$12,960" in two places, and "\$793" for "\$755".

Subsec. (c). Pub. L. 95-202, § 303(2), added subsec. (c).

1976—Subsec. (a). Pub. L. 94-502, § 503(1), inserted provision authorizing Administrator to reimburse State and local agencies for work performed by their subcontractors, where the work performed has a direct relationship to the requirements of this chapter, chapters 32, 34, and 35, and has prior approval of the Administrator.

Subsec. (b). Pub. L. 94-502, § 503(2), increased allowance for administrative expenses from "\$550" to "\$600"; "\$1000" to "\$1080"; "\$1000 for the first \$10,000 plus \$925 for each additional \$5,000 or fraction thereof" to "\$1,080 for the first \$10,000 plus \$1,000 for each additional \$5,000 or fraction thereof"; "\$6,050" to "\$6,535"; "\$6,050 for the first \$40,000 plus \$800 for each additional \$5,000 or fraction thereof" to "\$6,535 for the first \$40,000 plus \$865 for each additional \$5,000 or fraction thereof"; "\$12,000" to "\$12,960"; "\$12,000 for the first \$80,000 plus \$700 for each additional \$5,000 or fraction thereof" to "\$12,960 for the first \$80,000 plus \$755 for each additional \$5,000 or fraction thereof".

1974—Subsec. (b). Pub. L. 93-508 increased allowance for administrative expenses from "\$500" to "\$550"; "\$900" to "\$1,000"; "\$900 for the first \$10,000 plus \$800 for each additional \$5,000 or fraction thereof" to "\$1,000 for the first \$10,000 plus \$925 for each additional \$5,000 or fraction thereof"; "\$5,250" to "\$6,050"; "\$5,250 for the first \$40,000 plus \$700 for each additional \$5,000 or fraction thereof" to "\$6,050 for the first \$40,000 plus \$800 for each additional \$5,000 or fraction thereof"; "\$10,450" to "\$12,000"; and "\$10,450 for the first \$80,000 plus \$600 for each additional \$5,000 or fraction thereof" to "\$12,000 for the first \$80,000 plus \$700 for each additional \$5,000 or fraction thereof".

1972—Subsec. (a). Pub. L. 92-540, § 403(7), inserted "this chapter and" before "chapters 34 and 35" in cl. (1).

Subsec. (b). Pub. L. 92-540, § 411, provided for recomputation of formula for reimbursement of expenses by doubling amounts paid as allowance for administrative expenses.

1968—Pub. L. 90-631 designated existing provisions as subsec. (a), inserted "and an allowance for administrative expenses in accordance with the formula contained in subsection (b) of this section" after "employees of such agencies", and added subsec. (b).

1966—Pub. L. 89-358, § 3(a)(7), (11), substituted "chapters 34 and 35" for "this chapter" in three places and inserted "or veterans" after "eligible persons" in cl. (1).

EFFECTIVE DATE OF 1994 AMENDMENT

Section 606(a)(2) of Pub. L. 103-446 provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to services provided under such section after September 30, 1994."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 13(a)(1)(A), (B), (b)(5) of Pub. L. 100-223 effective May 20, 1988, and amendment by section 13(a)(1)(C) of Pub. L. 100-323 effective for all of fiscal year 1988 and subsequent fiscal years, see section 16(a), (b)(1)(D) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 203(1) and 213(1) of Pub. L. 96-466 effective Oct. 1, 1980, and Jan. 1, 1981, respectively, see section 802(b)(1), (2) of Pub. L. 96-466, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective first day of first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 1, 1976, see section 703(a) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6(b) of Pub. L. 90-631 provided that: "The amendments made by section 4 of this Act [amending this section] shall apply with respect to contracts and agreements entered into under section 1774 [now 3674] of title 38, United States Code, effective for periods beginning after June 30, 1968."

REIMBURSEMENT FROM ACCOUNT USED FOR PAYMENT OF READJUSTMENT BENEFITS

Section 13(a)(2) of Pub. L. 100-323 provided that: "If any payment is made to State or local approving agencies with respect to activities carried out under subchapter I of chapter 36 of title 38, United States Code, for fiscal year 1988 before the date of the enactment of this Act [May 20, 1988] and from an account other than the account used for payment of readjustment benefits, the account from which such payment was made shall be reimbursed from the account used for payment of readjustment benefits."

§ 3674A. Evaluations of agency performance; qualifications and performance of agency personnel

(a) The Secretary shall—

(1)(A) conduct, in conjunction with State approving agencies, an annual evaluation of each State approving agency on the basis of standards developed by the Secretary in conjunction with the State approving agencies, and (B) provide each such agency an opportunity to comment on the evaluation;

(2) take into account the results of annual evaluations carried out under paragraph (1) when negotiating the terms and conditions of a contract or agreement under section 3674 of this title;

(3) cooperate with State approving agencies in developing and implementing a uniform na-

tional curriculum, to the extent practicable, for training new employees and for continuing the training of employees of such agencies, and sponsor, with the agencies, such training and continuation of training; and

(4) prescribe prototype qualification and performance standards, developed in conjunction with State approving agencies, for use by such agencies in the development of qualification and performance standards for State approving agency personnel carrying out approval responsibilities under a contract or agreement entered into under section 3674(a).

(b)(1) Each State approving agency carrying out a contract or agreement with the Secretary under section 3674(a) of this title shall—

(A) apply qualification and performance standards based on the standards developed under subsection (a)(4); and

(B) make available to any person, upon request, the criteria used to carry out its functions under a contract or agreement entered into under section 3674(a) of this title.

(2) In developing and applying standards described in subsection (a)(4), the State approving agency may take into consideration the State's merit system requirements and other local requirements and conditions.

(3) The Secretary shall provide assistance in developing such standards to a State approving agency that requests it.

(Added Pub. L. 100-323, § 13(b)(1)(A), May 20, 1988, 102 Stat. 572, § 1774A; amended Pub. L. 101-237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3674A and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, § 606(c), Nov. 2, 1994, 108 Stat. 4672; Pub. L. 105-368, title X, § 1005(b)(8), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 107-14, § 8(a)(8), June 5, 2001, 115 Stat. 35.)

AMENDMENTS

2001—Subsec. (a)(2). Pub. L. 107-14 substituted "paragraph (1)" for "clause (1)".

1998—Subsec. (b)(1). Pub. L. 105-368 struck out "after the 18-month period beginning on the date of the enactment of this section" after "section 3674(a) of this title" in introductory provisions.

1994—Subsec. (a)(3) to (5). Pub. L. 103-446, § 606(c)(1), redesignated pars. (4) and (5) as (3) and (4), respectively, and struck out former par. (3) which read as follows: "supervise functionally the provision of course-approval services by State approving agencies under this subchapter;"

Subsec. (b). Pub. L. 103-446, § 606(c)(2)(A), substituted "subsection (a)(4)" for "subsection (a)(5) of this section" in pars. (1)(A) and (2).

Subsec. (b)(1). Pub. L. 103-446, § 606(c)(2)(B), inserted "of this title" after "section 3674(a)" in introductory provisions and subpar. (B).

1991—Pub. L. 102-83, § 5(a), renumbered section 1774A of this title as this section.

Subsec. (a)(2), (5). Pub. L. 102-83, § 5(c)(1), substituted "3674" for "1774" in par. (2) and "3674(a)" for "1774(a)" in par. (5).

Subsec. (b)(1). Pub. L. 102-83, § 5(c)(1), substituted "3674(a)" for "1774(a)" in introductory provisions and in subpar. (B).

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

IMPLEMENTATION

Section 13(b)(2) of Pub. L. 100-323 directed Administrator, for purposes of implementing amendments by

section 13(b)(1) of Pub. L. 100-323, and within 120 days after May 20, 1988, to publish prototype standards developed under subsec. (a)(5) of this section, directed each State approving agency, within 1 year after Administrator published the standards, to submit to Administrator a copy of the standards to be implemented by such agency under subsec. (b)(1)(A) of this section, and provided that Administrator could comment on consistency of the State's standards and prototype standards.

APPLICABILITY OF QUALIFICATION STANDARDS TO
PERSONS EMPLOYED ON MAY 20, 1988

Section 13(b)(3) of Pub. L. 100-323 provided that: "None of the qualification standards implemented pursuant to the amendments made by paragraph (1) [enacting this section] shall apply to any person employed by a State approving agency on the date of the enactment of this Act [May 20, 1988] as long as such person remains in the position in which the person is employed on such date."

§ 3675. Approval of accredited courses

(a)(1) The Secretary or a State approving agency may approve accredited programs (including non-degree accredited programs) offered by proprietary for-profit educational institutions when—

(A) such courses have been accredited and approved by a nationally recognized accrediting agency or association;

(B) such courses are conducted under the Act of February 23, 1917 (20 U.S.C. 11 et seq.);¹

(C) such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree; or

(D) such courses are approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i-3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

(2)(A) For the purposes of this chapter, the Secretary of Education shall publish a list of nationally recognized accrediting agencies and associations which that Secretary determines to be reliable authority as to the quality of training offered by an educational institution.

(B) Except as provided in section 3672(e) of this title, a State approving agency may utilize the accreditation of any accrediting association or agency listed pursuant to subparagraph (A) of this paragraph for approval of courses specifically accredited and approved by such accrediting association or agency.

(3)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

(i) state with specificity the requirements of the institution with respect to graduation;

(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

(iii) include any attendance standards of the institution, if the institution has and enforces such standards.

(b) As a condition of approval under this section, the Secretary or the State approving agency must find the following:

(1) The educational institution keeps adequate records, as prescribed by the Secretary or the State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.

(c)(1) A State approving agency may approve the entrepreneurship courses offered by a qualified provider of entrepreneurship courses.

(2) For purposes of this subsection, the term "entrepreneurship course" means a non-degree, non-credit course of business education that enables or assists a person to start or enhance a small business concern (as defined pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

(3) Subsection (a) and paragraphs (1) and (2) of subsection (b) shall not apply to—

(A) an entrepreneurship course offered by a qualified provider of entrepreneurship courses; and

(B) a qualified provider of entrepreneurship courses by reason of such provider offering one or more entrepreneurship courses.

(4) Notwithstanding paragraph (3), a qualified provider of entrepreneurship courses shall maintain such records as the Secretary determines to be necessary to comply with reporting requirements that apply under section 3684(a)(1) of this title with respect to eligible persons and veterans enrolled in an entrepreneurship course offered by the provider.

(Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 159, § 1775; amended Pub. L. 89-358, § 3(a)(8), Mar. 3, 1966, 80 Stat. 21; Pub. L. 94-502, title V, §§ 504, 513(a)(2), Oct. 15, 1976, 90 Stat. 2399, 2402; Pub. L. 96-466, title VIII, § 801(d), Oct. 17, 1980, 94 Stat. 2216; Pub. L. 101-237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3675 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, § 312, Oct. 29, 1992, 106 Stat. 4330; Pub. L. 103-446, title VI, § 605(a)(2)(A), Nov. 2, 1994, 108 Stat. 4672; Pub. L. 104-275, title I, § 103(c), Oct. 9, 1996, 110 Stat. 3326; Pub. L. 108-183, title III, § 305(a), Dec. 16, 2003, 117 Stat. 2660; Pub. L. 108-454, title I, § 110(c)(1), Dec. 10, 2004, 118 Stat. 3605; Pub. L. 111-377, title II, § 203(c), Jan. 4, 2011, 124 Stat. 4125.)

¹ See References in Text note below.

REFERENCES IN TEXT

Act of February 23, 1917, referred to in subsec. (a)(1)(B), is act Feb. 23, 1917, ch. 114, 39 Stat. 929, as amended, known as the Smith-Hughes Vocational Education Act, which was classified to sections 11 to 15 and 16 to 28 of Title 20, Education, prior to repeal by Pub. L. 105-33, title VI, §6201, Aug. 5, 1997, 111 Stat. 653. For complete classification of this Act to the Code, see Short Title note set out under section 11 of Title 20 and Tables.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-377, §203(c)(1), substituted “The Secretary or a State approving agency may approve accredited programs (including non-degree accredited programs) offered by proprietary for-profit educational institutions” for “A State approving agency may approve the courses offered by an educational institution” in introductory provisions.

Subsec. (b). Pub. L. 111-377, §203(c)(2), inserted “the Secretary or” after “this section,” in introductory provisions and after “as prescribed by” in par. (1).

2004—Subsec. (c)(4). Pub. L. 108-454 added par. (4).

2003—Subsec. (c). Pub. L. 108-183 added subsec. (c).

1996—Subsec. (b). Pub. L. 104-275 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “As a condition to approval under this section, the State approving agency must find that adequate records are kept by the educational institution to show the progress of each eligible person or veteran and must include as a minimum (except for attendance) the requirements set forth in section 3676(c)(7) of this title. The State approving agency must also find that the educational institution maintains a written record of the previous education and training of the eligible person or veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person or veteran and the Secretary so notified.”

1994—Subsec. (a)(2)(B). Pub. L. 103-446 substituted “Except as provided in section 3672(e) of this title, a State” for “A State”.

1992—Subsec. (a). Pub. L. 102-568 designated existing provisions as par. (1), redesignated former par. (1) as subpar. (A), redesignated former par. (2) as subpar. (B), substituted “the Act of February 23, 1917 (20 U.S.C. 11 et seq.)” for “sections 11-28 of title 20; or”, redesignated former par. (3) as subpar. (C), added subpar. (D) and pars. (2) and (3), and struck out former concluding provisions which read as follows: “For the purposes of this chapter the Secretary of Education shall publish a list of nationally recognized accrediting agencies and associations which the Secretary determines to be reliable authority as to the quality of training offered by an educational institution and the State approving agencies may, upon concurrence, utilize the accreditation of such accrediting associations or agencies for approval of the courses specifically accredited and approved by such accrediting association or agency. In making application for approval, the institution shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the school. The catalog or bulletin must specifically state its progress requirements for graduation and must include as a minimum the information required by sections 3676(b)(6) and (7) of this title.”

1991—Pub. L. 102-83, §5(a), renumbered section 1775 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3676(b)(6)” for “1776(b)(6)” in last sentence.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3676(c)(7)” for “1776(c)(7)”.

1989—Subsec. (b). Pub. L. 101-237 substituted “Secretary” for “Administrator”.

1980—Subsec. (a). Pub. L. 96-466 substituted “Secretary” for “Commissioner” in two places.

1976—Subsec. (a). Pub. L. 94-502, §513(a)(2), substituted “the Commissioner determines” for “he determines”.

Pub. L. 94-502, §504(1), inserted provision requiring that copies of the school bulletin be certified by an authorized representative of the school and that the bulletin specify the progress requirements for graduation and certain other information.

Subsec. (b). Pub. L. 94-502, §504(2), inserted provision requiring that school records contain as a minimum, except for attendance, the requirements set forth in section 1776(c)(7) of this title.

1966—Subsec. (b). Pub. L. 89-358 inserted “or veteran” after “eligible person” in three places.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 203(e) of Pub. L. 111-377, set out as a note under section 3034 of this title.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-454, title I, §110(c)(2), Dec. 10, 2004, 118 Stat. 3605, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect as if included in the enactment of section 305(a) of the Veterans Benefits Act of 2003 (Public Law 108-183; 117 Stat. 2660).”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-183 applicable to courses approved by State approving agencies after Dec. 16, 2003, see section 305(f) of Pub. L. 108-183, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-446 applicable with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after Nov. 2, 1994, see section 605(b) of Pub. L. 103-446, set out as a note under section 3672 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 504 and 513(a)(2) of Pub. L. 94-502 effective Dec. 1, 1976, and Oct. 15, 1976, respectively, see section 703(b), (c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

§ 3676. Approval of nonaccredited courses

(a) No course of education which has not been approved by a State approving agency pursuant to section 3675 of this title, which is offered by a public or private, profit or nonprofit, educational institution shall be approved for the purposes of this chapter unless the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.

(b) Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official and includes the following:

(1) Identifying data, such as volume number and date of publication;

(2) Names of the institution and its governing body, officials and faculty;

(3) A calendar of the institution showing legal holidays, beginning and ending date of each quarter, term, or semester, and other important dates;

(4) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

(5) Institution policy and regulations relative to leave, absences, class cuts, makeup work, tardiness and interruptions for unsatisfactory attendance;

(6) Institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student);

(7) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(8) Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(9) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

(10) A description of the available space, facilities, and equipment;

(11) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock hours to be spent on each subject or unit; and

(12) Policy and regulations of the institution relative to granting credit for previous educational training.

(c) The appropriate State approving agency may approve the application of such institution when the institution and its non-accredited courses are found upon investigation to have met the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains a written record of the previous education and training of the eligible person and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person so notified.

(5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the eligible person upon enrollment.

(6) Upon completion of training, the eligible person is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

(7) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

(8) The institution complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.

(9) The institution is financially sound and capable of fulfilling its commitments for training.

(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the State approving agency (A) has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and (B) has, if such an order has been issued, given due weight to that fact.

(11) The institution does not exceed its enrollment limitations as established by the State approving agency.

(12) The institution's administrators, directors, owners, and instructors are of good reputation and character.

(13) The institution has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the eligible person fails to enter the course or withdraws or is discontinued therefrom at any time before completion and—

(A) in the case of an institution (other than (i) a Federal, State, or local Government institution or (ii) an institution described in subparagraph (B)), such policy provides that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length; or

(B) in the case of an institution that is a nonaccredited public educational institution, the institution has and maintains a refund policy regarding the unused portion of tuition, fees, and other charges that is substantially the same as the refund policy followed by accredited public educational institutions located within the same State as such institution.

(14) Such additional criteria as may be deemed necessary by the State approving agency.

(d) The Secretary may waive, in whole or in part, the requirements of subsection (c)(13) of this section in the case of an educational institution which—

(1) is a college, university, or similar institution offering postsecondary level academic

instruction that leads to an associate or higher degree,

(2) is operated by an agency of a State or of a unit of local government,

(3) is located within such State or, in the case of an institution operated by an agency of a unit of local government, within the boundaries of the area over which such unit has taxing jurisdiction, and

(4) is a candidate for accreditation by a regional accrediting association,

if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, that such requirements would work an undue administrative hardship because the total amount of tuition, fees, and other charges at such institution is nominal.

(e) Notwithstanding any other provision of this title, a course of education shall not be approved under this section if it is to be pursued in whole or in part by independent study.

(Added Pub. L. 88-126, §1, Sept. 23, 1963, 77 Stat. 159, §1776; amended Pub. L. 89-358, §3(a)(9), Mar. 3, 1966, 80 Stat. 21; Pub. L. 97-66, title VI, §606, Oct. 17, 1981, 95 Stat. 1037; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3676 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, §313(a)(1), Oct. 29, 1992, 106 Stat. 4331; Pub. L. 109-461, title III, §303, Dec. 22, 2006, 120 Stat. 3428; Pub. L. 110-389, title III, §322, Oct. 10, 2008, 122 Stat. 4168.)

AMENDMENTS

2008—Subsec. (c)(4). Pub. L. 110-389 struck out “and the Secretary” before “so notified”.

2006—Subsec. (c)(13). Pub. L. 109-461 substituted “before completion and—” and subpars. (A) and (B) for “prior to completion and such policy must provide that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.”

1992—Subsec. (e). Pub. L. 102-568 added subsec. (e).

1991—Pub. L. 102-83, §5(a), renumbered section 1776 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3675” for “1775”.

1989—Subsecs. (c)(4), (d). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

1981—Subsec. (d). Pub. L. 97-66 added subsec. (d).

1966—Subsec. (a). Pub. L. 89-358 struck out “1653 or” before “1775”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97-66, set out as a note under section 1114 of this title.

§ 3677. Approval of training on the job

(a) Any State approving agency may approve a program of training on the job (other than a program of apprenticeship) only when it finds that the job which is the objective of the training is one in which progression and appointment to the next higher classification are based upon skills learned through organized and supervised training on the job and not on such factors as length of service and normal turnover, and that the provisions of subsections (b) and (c) of this section are met.

(b)(1) The training establishment offering training which is desired to be approved for the purposes of this chapter must submit to the appropriate State approving agency a written application for approval which, in addition to furnishing such information as is required by the State approving agency, contains a certification that—

(A) the wages to be paid the eligible veteran or person (i) upon entrance into training, are not less than wages paid nonveterans in the same training position and are at least 50 per centum of the wages paid for the job for which the veteran or person is to be trained, and (ii) such wages will be increased in regular periodic increments until, not later than the last full month of the training period, they will be at least 85 per centum of the wages paid for the job for which such eligible veteran or person is being trained; and

(B) there is reasonable certainty that the job for which the eligible veteran or person is to be trained will be available to the veteran or person at the end of the training period.

(2) The requirement under paragraph (1)(A)(ii) shall not apply with respect to a training establishment operated by the United States or by a State or local government.

(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2) of this title.

(c) As a condition for approving a program of training on the job (other than a program of apprenticeship) the State approving agency must find upon investigation that the following criteria are met:

(1) The training content of the course is adequate to qualify the eligible veteran or person for appointment to the job for which the veteran or person is to be trained.

(2) The job customarily requires full-time training for a period of not less than six months and not more than two years.

(3) The length of the training period is not longer than that customarily required by the training establishments in the community to provide an eligible veteran or person with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the eligible veteran or person will need to learn in order to become competent on the job for which the veteran or person is being trained.

(4) Provision is made for related instruction for the individual eligible veteran or person who may need it.

(5) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

(6) Adequate records are kept to show the progress made by each eligible veteran or person toward such veteran's or person's job objective.

(7) No course of training will be considered bona fide if given to an eligible veteran or person who is already qualified by training and experience for the job.

(8) A signed copy of the training agreement for each eligible veteran or person, including the training program and wage scale as ap-

proved by the State approving agency, is provided to the veteran or person and to the Secretary and the State approving agency by the employer.

(9) That the course meets such other criteria as may be established by the State approving agency.

(d)(1) The Secretary may conduct a pilot program under which the Secretary operates a program of training on the job under this section for a period (notwithstanding subsection (c)(2)) of up to three years in duration to train employees of the Department to become qualified adjudicators of claims for compensation, dependency and indemnity compensation, and pension.

(2)(A) Not later than three years after the implementation of the pilot project, the Secretary shall submit to Congress an initial report on the pilot project. The report shall include an assessment of the usefulness of the program in recruiting and retaining of personnel of the Department as well as an assessment of the value of the program as a training program.

(B) Not later than 18 months after the date on which the initial report under subparagraph (A) is submitted, the Secretary shall submit to Congress a final report on the pilot project. The final report shall include recommendations of the Secretary with respect to continuation of the pilot project and with respect to expansion of the types of claims for which the extended period of on the job training is available to train such employees.

(Added Pub. L. 90-77, title III, §304(d), Aug. 31, 1967, 81 Stat. 186, §1777; amended Pub. L. 91-219, title II, §212, Mar. 26, 1970, 84 Stat. 83; Pub. L. 92-540, title III, §314, Oct. 24, 1972, 86 Stat. 1084; Pub. L. 94-502, title V, §513(a)(3), Oct. 15, 1976, 90 Stat. 2402; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3677, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-368, title II, §205(a), Nov. 11, 1998, 112 Stat. 3327; Pub. L. 108-454, title I, §108, Dec. 10, 2004, 118 Stat. 3604; Pub. L. 110-389, title III, §325, Oct. 10, 2008, 122 Stat. 4169.)

AMENDMENTS

- 2008—Subsec. (b)(3). Pub. L. 110-389 added par. (3).
- 2004—Subsec. (d). Pub. L. 108-454 added subsec. (d).
- 1998—Subsec. (b). Pub. L. 105-368 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), redesignated former cls. (A) and (B) of par. (1) as cls. (i) and (ii), respectively, of subpar. (A), and added par. (2).
- 1991—Pub. L. 102-83 renumbered section 1777 of this title as this section.
- 1989—Subsec. (c)(8). Pub. L. 101-237 substituted "Secretary" for "Administrator".
- 1976—Subsec. (b). Pub. L. 94-502 substituted "the veteran or person" for "he" and "him".
- Subsec. (c). Pub. L. 94-502 substituted "the veteran or person" for "he" in two places, and "such veteran's or person's" for "his".
- 1972—Subsecs. (b), (c). Pub. L. 92-540 inserted "or person" after "veteran" wherever appearing.
- 1970—Subsec. (a). Pub. L. 91-219 inserted "and supervised".

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title II, §205(b), Nov. 11, 1998, 112 Stat. 3327, provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to approval of programs of training on the job

under section 3677 of title 38, United States Code, on or after October 1, 1998."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE

Section effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as an Effective Date of 1967 Amendment note under section 101 of this title.

§ 3678. Notice of approval of courses

The State approving agency, upon determining that an educational institution has complied with all the requirements of this chapter, will issue a letter to such institution setting forth the courses which have been approved for the purposes of this chapter, and will furnish an official copy of such letter and any subsequent amendments to the Secretary. The letter of approval shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

- (1) date of letter and effective date of approval of courses;
- (2) proper address and name of each educational institution;
- (3) authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;
- (4) name of each course approved;
- (5) where applicable, enrollment limitations such as maximum numbers authorized and student-teacher ratio;
- (6) signature of responsible official of State approving agency; and
- (7) such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency.

(Added Pub. L. 88-126, §1, Sept. 23, 1963, 77 Stat. 162, §1777; renumbered §1778, Pub. L. 90-77, title III, §304(d), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3678, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

- 1991—Pub. L. 102-83 renumbered section 1778 of this title as this section.
- 1989—Pub. L. 101-237 substituted "Secretary" for "Administrator".

§ 3679. Disapproval of courses

(a) Any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the Secretary or the appropriate State approving agency. An educational institution which has its courses disapproved by the Secretary or a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

(b) Each State approving agency shall notify the Secretary of each course which it has disapproved under this section. The Secretary shall

notify the State approving agency of the Secretary's disapproval of any educational institution under chapter 31 of this title.

(Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 162, § 1778; renumbered § 1779, Pub. L. 90-77, title III, § 304(d), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 94-502, title V, § 513(a)(4), Oct. 15, 1976, 90 Stat. 2402; Pub. L. 101-237, title IV, § 423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3679, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 111-377, title II, § 203(d), Jan. 4, 2011, 124 Stat. 4126.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-377 inserted “the Secretary or” after “disapproved by” in two places.

1991—Pub. L. 102-83 renumbered section 1779 of this title as this section.

1989—Subsec. (b). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing and “Secretary’s” for “Administrator’s”.

1976—Subsec. (b). Pub. L. 94-502 substituted “the Administrator’s disapproval” for “his disapproval”.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 203(e) of Pub. L. 111-377, set out as a note under section 3034 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

§ 3680. Payment of educational assistance or subsistence allowances

(a) PERIOD FOR WHICH PAYMENT MAY BE MADE.—Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 3108, 3482, 3491, or 3532 of this title. Such payments shall be paid only for the period of such veterans’ or persons’ enrollment in, and pursuit of, such program, but no amount shall be paid—

(1) to any eligible veteran or eligible person for any period when such veteran or person is not pursuing such veteran’s or person’s course in accordance with the regularly established policies and regulations of the educational institution, with the provisions of such regulations as may be prescribed by the Secretary pursuant to subsection (g) of this section, and with the requirements of this chapter or of chapter 34 or 35 of this title, but payment may be made for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution;

(2) to any eligible veteran or person for auditing a course; or

(3) to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless—

(A) the eligible veteran or person withdraws because he or she is ordered to active duty; or

(B) the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal (without regard to withdrawals described in subclause (A) of this clause) by the eligible veteran or person from a course or courses with respect to which the veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof.

Notwithstanding the foregoing, the Secretary may, subject to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in clause (1) of this subsection during periods when schools are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation. However, the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks.

(b) CORRESPONDENCE TRAINING CERTIFICATIONS.—No educational assistance allowance shall be paid to an eligible veteran or spouse or surviving spouse enrolled in and pursuing a program of education exclusively by correspondence until the Secretary shall have received—

(1) from the eligible veteran or spouse or surviving spouse a certificate as to the number of lessons actually completed by the veteran or spouse or surviving spouse and serviced by the educational institution; and

(2) from the training establishment a certification or an endorsement on the veteran’s or spouse’s or surviving spouse’s certificate, as to the number of lessons completed by the veteran or spouse or surviving spouse and serviced by the institution.

(c) APPRENTICESHIP AND OTHER ON-JOB TRAINING.—No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Secretary shall have received—

(1) from such veteran or person a certification as to such veteran’s or person’s actual attendance during such period; and

(2) from the training establishment a certification, or an endorsement on the veteran’s or person’s certificate, that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

(d) ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCE.—(1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons may need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

(2) Subject to the provisions of this subsection, and under regulations which the Secretary shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a person on active duty, who is pursuing a program of education, the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. An advance payment may not be made under this subsection to any veteran or person unless the veteran or person requests such payment and the Secretary finds that the educational institution at which such veteran or person is accepted or enrolled has agreed to, and can satisfactorily, carry out the provisions of paragraphs (4)(B) and (C) and (5) of this subsection. The application for advance payment, to be made on a form prescribed by the Secretary, shall—

(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of such veteran's or person's intention to attend that institution; and

(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible to continue such veteran's or person's program of education or training and (ii) intends to re-enroll in the same institution,

and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

(3) For purposes of the Secretary's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish such veteran's or person's eligibility unless there is evidence in such veteran's or person's file in the processing office establishing that the veteran or person is not eligible for such advance payment.

(4) The advance payment authorized by paragraph (2) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon such veteran's or person's registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

(5) Upon delivery of the advance payment pursuant to paragraph (4) of this subsection, the institution shall submit to the Secretary a certification of such delivery. If such delivery is not effected within thirty days after commencement

of the program of education in question, such institution shall return such payment to the Secretary forthwith.

(e) RECOVERY OF ERRONEOUS PAYMENTS.—(1) Subject to paragraph (2), if an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information required to be furnished under subsection (d)(2) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 5302 of this title, from any benefit otherwise due such veteran or person under any law administered by the Department of Veterans Affairs or may be recovered in the same manner as any other debt due the United States.

(2) Paragraph (1) shall not apply to the recovery of an overpayment of an educational allowance or subsistence allowance advance payment to an eligible veteran or eligible person who fails to enroll in or pursue a course of education for which the payment is made if such failure is due to the death of the veteran or person.

(f) PAYMENTS FOR LESS THAN HALF-TIME TRAINING.—Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis shall be made in an amount computed for the entire quarter, semester, or term not later than the last day of the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 3482(b) or 3532(a)(2) of this title, as applicable.

(g) DETERMINATION OF ENROLLMENT, PURSUIT, AND ATTENDANCE.—(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

(A) Enrollment in a course or program of education or training.

(B) Pursuit of a course or program of education or training.

(C) Attendance at a course or program of education or training.

(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

(4) In the case of an individual who has received an accelerated payment of basic edu-

cational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.

(Added Pub. L. 92-540, title II, §201, Oct. 24, 1972, 86 Stat. 1076, §1780; amended Pub. L. 93-208, Dec. 28, 1973, 87 Stat. 907; Pub. L. 93-508, title II, §209, Dec. 3, 1974, 88 Stat. 1584; Pub. L. 94-502, title V, §§505, 506, 513(a)(5)-(12), Oct. 15, 1976, 90 Stat. 2400, 2402, 2403; Pub. L. 96-466, title III, §§341, 342, title VI, §§601(c), (d), 602(c), Oct. 17, 1980, 94 Stat. 2198, 2208, 2209; Pub. L. 97-35, title XX, §2003(c), Aug. 13, 1981, 95 Stat. 782; Pub. L. 97-295, §4(52), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 97-306, title II, §205(c), Oct. 14, 1982, 96 Stat. 1434; Pub. L. 99-576, title III, §§315(a)(1), 316, title VII, §701(59), Oct. 28, 1986, 100 Stat. 3274, 3296; Pub. L. 100-689, title I, §121(a), Nov. 18, 1988, 102 Stat. 4173; Pub. L. 101-237, title IV, §§412(a), 415(a), 423(b)(1), (2), Dec. 18, 1989, 103 Stat. 2085, 2086, 2092; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §3680 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-127, §6(a), Oct. 10, 1991, 105 Stat. 622; Pub. L. 102-568, title III, §314, Oct. 29, 1992, 106 Stat. 4333; Pub. L. 103-446, title VI, §605(a)(2)(B), title XII, §1201(i)(6), Nov. 2, 1994, 108 Stat. 4672, 4688; Pub. L. 106-419, title I, §121(a), Nov. 1, 2000, 114 Stat. 1833; Pub. L. 107-103, title I, §104(b), Dec. 27, 2001, 115 Stat. 981; Pub. L. 109-233, title V, §503(8)(A), June 15, 2006, 120 Stat. 416; Pub. L. 111-377, title II, §206(a), Jan. 4, 2011, 124 Stat. 4126.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-377, in concluding provisions, substituted “of this subsection during periods when schools are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation. However, the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks.” for “of this subsection—” and subcls. (A) to (C) which related to periods when schools are temporarily closed, periods of 30 days or less between consecutive school terms during which veterans or persons transfer to another approved educational institution, and periods of certified term-basis enrollment between school terms, respectively.

2006—Pub. L. 109-233 revised style of subsec. headings.

2001—Subsec. (g). Pub. L. 107-103 amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: “The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define enrollment in, pursuit of, and attendance at, any program of education or training or course by an eligible veteran or eligible person for any period for which the veteran or person receives an educational assistance or subsistence allowance under this chapter for pursuing such program or course. Subject to such reports and proof as the Secretary may require to show an eligible veteran's or eligible person's enrollment in and satisfactory pursuit of such person's program, the Secretary may withhold payment of benefits to such eligible veteran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran's or person's monthly certification of enrollment in and satisfactory pursuit of such veteran's or person's program as sufficient proof of the certified matters.”

2000—Subsec. (a)(C). Pub. L. 106-419 amended subcl. (C) generally. Prior to amendment, subcl. (C) read as follows: “during periods between a semester, term, or quarter where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual semester, term, or quarter basis if the interval between such periods does not exceed one full calendar month.”

1994—Subsec. (a)(2) to (4). Pub. L. 103-446, §605(a)(2)(B), inserted “or” at end of par. (2), substituted period for “; or” at end of par. (3), and struck out par. (4) which read as follows: “to any eligible veteran or person for pursuit of a program of education exclusively by correspondence as authorized under section 3686 of this title or for the pursuit of a correspondence portion of a combination correspondence-residence course leading to a vocational objective where the normal period of time required to complete such correspondence course or portion is less than 6 months. A certification as to the normal period of time required to complete the course must be made to the Secretary by the educational institution.”

Subsec. (a)(C). Pub. L. 103-446, §1201(i)(6), substituted “one full” for “1 full”.

1992—Subsec. (e). Pub. L. 102-568 designated existing provisions as par. (1), substituted “Subject to paragraph (2), if” for “If”, struck out comma after “eligible person”, and added par. (2).

1991—Pub. L. 102-83, §5(a), renumbered section 1780 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3108, 3482, 3491, or 3532” for “1508, 1682, 1691, or 1732” in introductory provisions.

Subsec. (a)(3). Pub. L. 102-127 amended cl. (3) generally. Prior to amendment, cl. (3) read as follows: “to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal by an eligible veteran or person from a course or courses with respect to which such veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof; or”.

Subsec. (a)(4). Pub. L. 102-83, §5(c)(1), substituted “3686” for “1786”.

Subsec. (e). Pub. L. 102-40 substituted “5302” for “3102”.

Subsec. (f). Pub. L. 102-83, §5(c)(1), substituted “3482(b) or 3532(a)(2)” for “1682(b) or 1732(a)(2)”.

1989—Subsec. (a). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 101-237, §412(a), struck out “enrolled in a course which leads to a standard college degree, or a course that meets the requirements of section 1788(a)(7) of this title,” after “or eligible person” in cl. (1) of second sentence, redesignated cls. (3) to (5) as (2) to (4), respectively, and struck out former cl. (2) which read as follows: “to any eligible veteran or eligible person enrolled in a course which does not lead to a standard college degree (excluding courses that meet the requirements of section 1788(a)(7) of this title and programs of apprenticeship and programs of other on-job training authorized by section 1787 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays (or customary vacation periods connected therewith) established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session and periods (not to exceed five days in any twelve-month period) when the institution is not in session because of teacher conferences or teacher training sessions;”, substituted “set forth in clause (1)” for “set forth in clause (1) or (2)” in third sentence, struck out “”, and such periods shall not be counted as absences for the purposes of clause (2) of this subsection” before

semicolon at end of subcl. (A), and struck out “, but such periods shall be counted as absences for the purposes of clause (2) of this subsection” before punctuation at end of subcls. (B) and (C).

Subsecs. (b), (c), (d)(2). Pub. L. 101-237, § 423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (d)(3). Pub. L. 101-237, § 423(b)(2), substituted “Secretary’s” for “Administrator’s”.

Subsec. (d)(5). Pub. L. 101-237, § 423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (e). Pub. L. 101-237, § 423(b)(1)(B), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

Subsec. (g). Pub. L. 101-237, § 423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 101-237, § 415(a), substituted “the Secretary may withhold payment of benefits to such eligible veteran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran’s or person’s monthly certification of enrollment in and satisfactory pursuit of such veteran’s or person’s program as sufficient proof of the certified matters.” for “the Administrator is authorized to withhold the final payment of benefits to such person until the required proof is received and the amount of the final payment is appropriately adjusted.”

1988—Subsec. (a)(4). Pub. L. 100-689 inserted “, except that, in the first instance of withdrawal by an eligible veteran or person from a course or courses with respect to which such veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof” after “circumstances”.

1986—Subsec. (a)(1). Pub. L. 99-576, § 315(a)(1)(A), inserted “or a course that meets the requirements of section 1788(a)(7) of this title” after “degree”.

Subsec. (a)(2). Pub. L. 99-576, § 315(a)(1)(B), inserted “courses that meet the requirements of section 1788(a)(7) of this title and” after “excluding”.

Subsec. (d)(2). Pub. L. 99-576, § 701(59), substituted “person” for “serviceman” after “In the case of a”.

Subsec. (f). Pub. L. 99-576, § 316, substituted “not later than the last day of” for “during”.

1982—Subsec. (a). Pub. L. 97-295, § 4(52)(A), and Pub. L. 97-306, § 205(c)(1), made identical amendments by substituting “section 1508” for “section 1504”.

Subsec. (a)(5). Pub. L. 97-295, § 4(52)(B), substituted “than 6 months” for “the 6 months” after “portion is less”.

Subsec. (a)(6). Pub. L. 97-306, § 205(c)(2)-(4), struck out cl. (6) which provided that no amount would be paid to any eligible veteran or person incarcerated in a Federal, State, or local prison or jail for any course to the extent the tuition and fees of the veteran or person were paid under any Federal program (other than a program administered by the Administrator) or under any State or local program, or for which there were no tuition and fees.

Subsec. (a)(A) to (C). Pub. L. 97-295, § 4(52)(C), inserted “of this subsection” after “clause (2)” wherever appearing.

1981—Subsec. (a). Pub. L. 97-35 struck out applicability to flight training program.

1980—Subsec. (a). Pub. L. 96-466, §§ 341(a), 342, 602(c), in provisions preceding cl. (1) inserted “in, and pursuit of, such program” after “enrollment”, in cl. (1) inserted reference to not pursuing a course in accordance with provisions of regulations prescribed by the Administrator pursuant to subsec. (g) of this section and reference to payment for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution, in cl. (2) inserted reference to periods when the institution is not in session because of teacher conferences or teacher training sessions, and added cl. (6).

Subsec. (d)(2). Pub. L. 96-466, § 601(c)(1), struck out “(other than under subchapter VI of chapter 34)” after

“who is pursuing a program of education” and substituted “paragraphs (4)(B) and (C) and (5)” for “paragraphs 5(B) and (C) and (6)”.

Subsec. (d)(3). Pub. L. 96-466, § 601(c)(2), (3), redesignated par. (4) as (3). Former par. (3), which related to the entitlement of a person eligible for education or training under the provisions of subchapter VI of chapter 34 of this title to a lump-sum educational assistance allowance advance payment, was struck out.

Subsec. (d)(4). Pub. L. 96-466, § 601(c)(3), (4), redesignated par. (5) as (4) and substituted “paragraph (2)” for “paragraphs (2) and (3)”. Former par. (4) redesignated (3).

Subsec. (d)(5), (6). Pub. L. 96-466, § 601(c)(4), (5), redesignated par. (6) as (5) and substituted “paragraph (4)” for “paragraph (5)”. Former par. (5) redesignated (4).

Subsec. (e). Pub. L. 96-466, § 601(d)(1), substituted “under subsection (d)(2) of this section” for “under subsection (d)(2) and (3) of this section”.

Subsec. (f). Pub. L. 96-466, § 601(d)(2), struck out “(except as provided by subsection (d)(3) of this section)” after “half-time basis”.

Subsec. (g). Pub. L. 96-466, § 341(b), inserted “and define” after “determine”.

1976—Subsec. (a). Pub. L. 94-502, §§ 505, 506, 513(a)(5), authorized the Administrator to continue allowances to eligible veterans and persons during periods between consecutive school terms where the veteran or person transfers from one approved school to another approved school, provided the period not exceed 30 days, and during periods between a semester, term, or quarter where the educational institution certifies the enrollment of the veteran or person on an individual semester, term, or quarter basis, provided that the period not exceed 1 full calendar month, substituted “such veteran’s or person’s” for “his”, and added cls. (3) to (5).

Subsec. (b). Pub. L. 94-502, § 513(a)(5), substituted “spouse or surviving spouse” for “wife or widow” wherever appearing, and “spouse’s or surviving spouse’s” for “wife’s or widow’s”.

Subsec. (c). Pub. L. 94-502, § 513(a)(6), substituted “such veteran’s or person’s” for “his”.

Subsec. (d). Pub. L. 94-502, § 513(a)(6)-(8), substituted “persons may need” for “persons need” in cl. (1), “such veteran’s or person’s” for “his” in two places and inserted provision prohibiting advance payments unless the veteran request them and the Administrator finds that the educational institution has agreed to and can carry out the requirements of cls. (5) (B), (C) and (6) of this subsection in cl. (2), substituted “such veteran’s or person’s” for “his” in two places and “the veteran or person” for “he” in cl. (4), and “such veteran’s or person’s” for “his” in cl. (5).

Subsec. (e). Pub. L. 94-502, § 513(a)(9)-(11), struck out subsec. (e) which provided for prepayment of subsequent educational assistance or subsistence allowances, redesignated subsec. (f) as (e) and substituted “such veteran or person” for “him”.

Subsec. (f). Pub. L. 94-502, § 513(a)(10), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsecs. (g), (h). Pub. L. 94-502, § 513(a)(10), (12), redesignated subsec. (h) as (g), substituted “which the Administrator shall” for “which he shall”, “the veteran or person” for “he”, and authorized the Administrator to withhold final payment of benefits to the veteran or person until proof of the veteran’s or person’s enrollment in and satisfactory pursuit of the educational program is received. Former subsec. (g) redesignated (f).

1974—Subsec. (a)(2). Pub. L. 93-508 substituted “legal holidays (or customary vacation periods connected therewith)” for “legal holidays”.

1973—Subsec. (a). Pub. L. 93-208 inserted provisions that the Administrator may continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in cl. (1) or (2) of this subsection during periods when the schools are temporarily closed under an established policy based upon an Executive Order of the President or due to an emergency situation, and that such periods shall not be counted as absences for the purposes of cl. (2).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title II, §206(b), Jan. 4, 2011, 124 Stat. 4127, provided that: "The amendment made by this section [amending this section] shall take effect on August 1, 2011."

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Oct. 1, 2002, and applicable with respect to enrollments in courses or programs of education or training beginning on or after that date, see section 104(c) of Pub. L. 107-103, set out as an Effective Date note under section 3014A of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-419, title I, §121(b), Nov. 1, 2000, 114 Stat. 1833, provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act [Nov. 1, 2000]."

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 605(a)(2)(B) of Pub. L. 103-446 applicable with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after Nov. 2, 1994, see section 605(b) of Pub. L. 103-446, set out as a note under section 3672 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 6(b) of Pub. L. 102-127 provided that: "The amendments made by subsection (a) [amending this section] shall take effect as of August 1, 1990."

EFFECTIVE DATE OF 1988 AMENDMENT

Section 121(b) of Pub. L. 100-689 provided that: "The amendment made by subsection (a) [amending this section] shall apply so as to require that mitigating circumstances be considered to exist only with respect to withdrawals from a course or courses being pursued with assistance under title 38, United States Code, that occur on or after June 1, 1989."

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise provided, see section 2006 of Pub. L. 97-35, set out as a note under section 3231 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 341 and 342 of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

Amendment by sections 601(c), (d) and 602(c) of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by section 505 of Pub. L. 94-502 effective Dec. 1, 1976, and amendment by sections 506 and 513(a)(5), (6), (11), (12) of Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b), (c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

Section 513(b) of Pub. L. 94-502 provided that: "The amendments made by paragraphs (7), (8), (9), and (10) of subsection (a) [amending this section] shall take effect June 1, 1977, and shall apply with respect to educational assistance allowances and subsistence allowances paid under title 38, United States Code, for months after May 1977."

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE

Section 603 of Pub. L. 92-540 provided that:

"(a) The prepayment provisions of subsection (e) of section 1780 [now 3680] of title 38, United States Code (as added by section 201 of this Act), shall become effective on November 1, 1972.

"(b) The advance payment provisions of section 1780 [now 3680] of title 38, United States Code (as added by section 201 of this Act), shall become effective on August 1, 1973, or at such time prior thereto as the Administrator of Veterans' Affairs shall specify in a certification filed with the Committees on Veterans' Affairs of the Congress."

STUDY OF TUITION ASSISTANCE ALLOWANCE PROGRAM ABUSES

Section 105 of Pub. L. 93-508 authorized the Administrator to study the potential administrative difficulties and abuses that would arise if some form of variable tuition assistance allowance program were enacted after consideration of past difficulties and abuses which arose after the Second World War and such difficulties and abuses as were being experienced by the Veterans' Administration in managing certain current programs, and to report to the Congress and the President his findings and recommendations for legislative and administrative action no later than one year after Dec. 3, 1974.

EX. ORD. NO. 12020. PAYMENT OF BENEFITS WHEN SCHOOLS ARE TEMPORARILY CLOSED TO CONSERVE ENERGY

Ex. Ord. No. 12020, Nov. 8, 1977, 42 F.R. 58509, provided: By virtue of the authority vested in me by clause (A) of Section 1780(a) [now 3680(a)] of Title 38 of the United States Code, and as President of the United States of America, in order to establish a national policy in regard to payment of educational benefits to veterans and their dependents during periods in which schools are closed to conserve energy, it is hereby ordered as follows:

SECTION 1. Whenever an educational institution submits evidence which satisfies the Administrator of Veterans' Affairs that energy consumption will be abnormally high during the winter months or that available energy supplies will be inadequate to meet the needs of the school, and that, in the interest of energy conservation, the institution plans to close between semesters or terms for a period not to exceed 45 days, the Administrator may continue to pay monthly educational assistance benefits to veterans and eligible persons enrolled in such schools. Such authority may be exercised only once during any 12-month period with respect to any educational institution.

SEC. 2. The Administrator shall advise veterans and other eligible persons of the effect of accepting educational assistance benefits under the provisions of Section 1 of this Order on their period of entitlement.

JIMMY CARTER.

§ 3680A. Disapproval of enrollment in certain courses

(a) The Secretary shall not approve the enrollment of an eligible veteran in—

(1) any bartending course or personality development course;

(2) any sales or sales management course which does not provide specialized training within a specific vocational field;

(3) any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of the

veteran's present or contemplated business or occupation; or

(4) any independent study program except an accredited independent study program (including open circuit television) leading (A) to a standard college degree, or (B) to a certificate that reflects educational attainment offered by an institution of higher learning.

(b) Except to the extent otherwise specifically provided in this title or chapter 106 of title 10, the Secretary shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

(c) The Secretary shall not approve the enrollment of an eligible veteran in any course to be pursued by radio.

(d)(1) Except as provided in paragraph (2) of this subsection, the Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 106 of title 10. The Secretary may waive the requirements of this subsection, in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, it to be in the interest of the eligible veteran and the Federal Government. The provisions of this subsection shall not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10 who are enrolled in such institution equals 35 percent or less, or such other percent as the Secretary prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Secretary may apply the provisions of this subsection with respect to any course in which the Secretary has reason to believe that the enrollment of such veterans and persons may be in excess of 85 percent of the total student enrollment in such course.

(2) Paragraph (1) of this subsection does not apply with respect to the enrollment of a veteran—

- (A) in a course offered pursuant to section 3019, 3034(a)(3), 3234, or 3241(a)(2) of this title;
- (B) in a farm cooperative training course; or
- (C) in a course described in subsection (g).

(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

- (1) the educational institution has been operating for less than two years;
- (2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or
- (3) following either a change in ownership or a complete move outside its original general

locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

(g) Notwithstanding subsections (e) and (f)(1), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Homeland Security and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.

(Added Pub. L. 102-568, title III, §313(a)(2), Oct. 29, 1992, 106 Stat. 4331; amended Pub. L. 104-275, title I, §103(a)(2), (b), 104(c), Oct. 9, 1996, 110 Stat. 3326, 3327; Pub. L. 105-114, title IV, §401(d), (e), Nov. 21, 1997, 111 Stat. 2293; Pub. L. 105-368, title X, §1005(b)(9), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 107-103, title I, §111(a), Dec. 27, 2001, 115 Stat. 986; Pub. L. 107-296, title XVII, §1704(d), Nov. 25, 2002, 116 Stat. 2315.)

AMENDMENTS

2002—Subsec. (g). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

2001—Subsec. (a)(4). Pub. L. 107-103 inserted “(A)” after “leading” and “, or (B) to a certificate that reflects educational attainment offered by an institution of higher learning” before period at end.

1998—Subsec. (d)(2)(C). Pub. L. 105-368 struck out “section” before “subsection (g)”.

1997—Subsec. (a)(4). Pub. L. 105-114, §401(d), inserted “(including open circuit television)” before “leading to a standard”.

Subsec. (g). Pub. L. 105-114, §401(e), substituted “subsections (e) and (f)(1)” for “subsections (e) and (f)”.

1996—Subsec. (c). Pub. L. 104-275, §104(c), substituted “radio.” for “radio or by open circuit television, except that the Secretary may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television.”

Subsec. (d)(2)(C). Pub. L. 104-275, §103(a)(2), substituted “subsection (g)” for “3689(b)(6) of this title”.

Subsecs. (e) to (g). Pub. L. 104-275, §103(b), added subsecs. (e) to (g).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of

Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title I, § 111(b), Dec. 27, 2001, 115 Stat. 987, provided that: "The amendments made by subsection (a) [amending this section] shall apply to enrollments in independent study courses beginning on or after the date of the enactment of this Act [Dec. 27, 2001]."

SAVINGS PROVISION

Section not applicable to any person receiving educational assistance for pursuit of an independent study program in which the person was enrolled on Oct. 29, 1992, for as long as such person is continuously thereafter so enrolled and meets requirements of eligibility for such assistance, see section 313(b) of Pub. L. 102-568, set out as a note under section 16136 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3681. Limitations on educational assistance

(a) No educational assistance allowance granted under chapter 30, 34, 35, or 36 of this title or 106 or 107 of title 10, or subsistence allowance granted under chapter 31 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health and Human Services in the case of the Public Health Service; or (2) who is attending a course of education or training paid for under chapter 41 of title 5.

(b) No person may receive benefits concurrently under two or more of the provisions of law listed below:

(1) Chapters 30, 31, 32, 34, 35, and 36 of this title.

(2) Chapters 106 and 107 and section 510 of title 10.

(3) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

(4) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).

(5) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).

(Added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 21, § 1781; amended Pub. L. 91-219, title II, § 213(1), Mar. 26, 1970, 84 Stat. 83; Pub. L. 92-540, title IV, § 403(8), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 94-502, title V, § 513(a)(13), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 96-466, title I, § 102, title VIII, § 801(e), Oct. 17, 1980, 94 Stat. 2187, 2216; Pub. L. 97-295, § 4(53), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 98-223, title II, § 203(c)(1), Mar. 2, 1984, 98 Stat. 41; Pub. L. 98-525, title VII, § 703(c), Oct. 19, 1984, 98 Stat. 2564; Pub. L. 99-576, title III, § 317, 321(9), Oct. 28, 1986, 100 Stat. 3275, 3278; Pub. L. 101-237, title IV, § 423(a)(8)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3681, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105

Stat. 406; Pub. L. 102-568, title III, § 315, Oct. 29, 1992, 106 Stat. 4333; Pub. L. 111-377, title II, § 202(b), Jan. 4, 2011, 124 Stat. 4124.)

REFERENCES IN TEXT

Chapter 106 of title 10, referred to in subsecs. (a) and (b)(2), which consisted of sections 2131 to 2138, was amended by Pub. L. 103-337, div. A, title XVI, § 1663(b)(2), Oct. 5, 1994, 108 Stat. 3006, to renumber sections 2131 to 2137 as 16131 to 16137, respectively, and transfer them to chapter 1606 of Title 10, Armed Forces.

Section 903 of the Department of Defense Authorization Act, 1981, referred to in subsec. (b)(3), is section 903 of Pub. L. 96-342, title IX, Sept. 8, 1980, 94 Stat. 1115, which is set out as a note under section 2141 of Title 10, Armed Forces.

The Hostage Relief Act of 1980, referred to in subsec. (b)(4), is Pub. L. 96-449, Oct. 14, 1980, 94 Stat. 1967, as amended, which was formerly set out as a note under section 5561 of Title 5, Government Organization and Employees.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, referred to in subsec. (b)(5), is Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 853, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of Title 22, Foreign Relations and Intercourse, and Tables.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1182, 1201, which was classified to former sections 1632(h)(1) and 1762(b) of this title, prior to repeal by sections 4(a) and 3(a)(2) of Pub. L. 89-358, respectively.

AMENDMENTS

2011—Subsec. (b)(2). Pub. L. 111-377 inserted "and section 510" after "and 107".

1992—Subsec. (a)(2). Pub. L. 102-568 struck out before period at end "and whose full salary is being paid to such person while so training".

1991—Pub. L. 102-83 renumbered section 1781 of this title as this section.

1989—Subsec. (b)(5). Pub. L. 101-237 added par. (5).

1986—Subsec. (b). Pub. L. 99-576 struck out "for the pursuit of the same program of education" after "provisions of law listed below" in introductory text and substituted "Chapters 106 and 107" for "Chapter 107" in par. (2).

1984—Subsec. (a). Pub. L. 98-525, § 703(c)(1)(A)-(C), inserted initial reference to chapter 30 of this title, inserted references to chapters 106 and 107 of title 10, and struck out comma after "chapter 31".

Pub. L. 98-223, § 203(c)(1)(A), designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 98-525, § 703(c)(2), inserted reference to chapter 30 of this title in par. (1).

Pub. L. 98-223, § 203(c)(1)(B), added subsec. (b).

1982—Pub. L. 97-295 substituted "chapter 41 of title 5" for "the Government Employees' Training Act".

1980—Pub. L. 96-466 inserted ", or subsistence allowance granted under chapter 31," after "chapter 34, 35, or 36" and substituted "Department of Health and Human Services" for "Department of Health, Education, and Welfare".

1976—Pub. L. 94-502 substituted "such person" for "him".

1972—Pub. L. 92-540 substituted "granted under chapter 34, 35, or 36" for "or special training allowance granted under chapter 34 or 35".

1970—Pub. L. 91-219 substituted "Limitations on educational assistance" for "Nonduplication of benefits" as section catchline and limited duplication of benefits bar to cases of persons on active duty with Armed Forces or Public Health Service whose education or training costs are being paid by Federal Government and persons receiving education or training under Government Employees' Training Act being paid their full salary during that period.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 202(c) of Pub. L. 111-377, set out as a note under section 3322 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(a)(6) of Pub. L. 96-466 provided that: "The amendments made by sections 102 and 103 [amending this section and section 1795 [now 3695] of this title] shall become effective on October 1, 1980."

Amendment by section 801(e) of Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

DUPLICATION OF BENEFITS

Pub. L. 90-574, title V, §504, Oct. 15, 1968, 82 Stat. 1012, relating to duplication of benefits, was repealed by Pub. L. 91-219, title II, §215(a), Mar. 26, 1970, 84 Stat. 85.

§ 3682. Control by agencies of the United States

Except as provided in section 3674A of this title, no department, agency, or officer of the United States, in carrying out this chapter, shall exercise any supervision or control, whatsoever, over any State approving agency, or State educational agency, or any educational institution. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by law to exercise over any Federal educational institution or to prevent the furnishing of education under this chapter or chapter 34 or 35 of this title in any institution over which supervision or control is exercised by such other department, agency, or officer under authority of law.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 21, §1782; amended Pub. L. 92-540, title IV, §403(9), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 100-323, §13(b)(6), May 20, 1988, 102 Stat. 574; renumbered §3682 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1190, 1201, which was classified to former sections 1663 and 1763 of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1782 of this title as this section and substituted "3674A" for "1774A".

1988—Pub. L. 100-323 substituted "Except as provided in section 1774A of this title, no" for "No".

1972—Pub. L. 92-540 inserted "this chapter or" before "chapter 34 or 35".

§ 3683. Conflicting interests

(a) Every officer or employee of the Department of Veterans Affairs who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible person or veteran was pursuing a program of

education or course under this chapter or chapter 34 or 35 of this title shall be immediately dismissed from such officer's or employee's office or employment.

(b) If the Secretary finds that any person who is an officer or employee of a State approving agency has, while such person was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, an educational institution operated for profit in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 of this title, the Secretary shall discontinue making payments under section 3674 of this title to such State approving agency unless such agency shall, without delay, take such steps as may be necessary to terminate the employment of such person and such payments shall not be resumed while such person is an officer or employee of the State approving agency, or State department of veterans' affairs or State department of education.

(c) A State approving agency shall not approve any course offered by an educational institution operated for profit, and, if any such course has been approved, shall disapprove each such course, if it finds that any officer or employee of the Department of Veterans Affairs or the State approving agency owns an interest in, or receives any wages, salary, dividends, profits, gratuities, or services from, such institution.

(d) The Secretary may, after reasonable notice and public hearings, waive in writing the application of this section in the case of any officer or employee of the Department of Veterans Affairs or of a State approving agency, if the Secretary finds that no detriment will result to the United States or to eligible persons or veterans by reasons of such interest or connection of such officer or employee.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 22, §1783; amended Pub. L. 92-540, title IV, §403(10), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 94-502, title V, §513(a)(14)-(16), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 97-295, §4(54), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered §3683 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1190, 1201, which was classified to former sections 1664 and 1764 of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1783 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted "3674" for "1774".

1989—Pub. L. 101-237 substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

1982—Subsec. (a). Pub. L. 97-295 inserted "of this title" after "34 or 35".

1976—Subsec. (a). Pub. L. 94-502, §513(a)(14), substituted "such officer's or employee's" for "his".

Subsec. (b). Pub. L. 94-502, §513(a)(15), substituted "while such person was" for "while he was" and "the

Administrator shall discontinue" for "he shall discontinue".

Subsec. (d). Pub. L. 94-502, §513(a)(16), substituted "if the Administrator finds" for "if he finds".

1972—Subsecs. (a), (b). Pub. L. 92-540 inserted "this chapter or" before "chapter 34 or 35" wherever appearing.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

§ 3684. Reports by veterans, eligible persons, and institutions; reporting fee

(a)(1) Except as provided in paragraph (2) of this subsection, the veteran or eligible person and the educational institution offering a course in which such veteran or eligible person is enrolled under chapter 31, 34, 35, or 36 of this title shall, without delay, report to the Secretary, in the form prescribed by the Secretary, such enrollment and any interruption or termination of the education of each such veteran or eligible person. The date of such interruption or termination will be the last date of pursuit, or, in the case of correspondence training, the last date a lesson was serviced by a school.

(2)(A) In the case of a program of independent study pursued on less than a half-time basis in an educational institution, the Secretary may approve a delay by the educational institution in reporting the enrollment or reenrollment of an eligible veteran or eligible person until the end of the term, quarter, or semester if the educational institution requests the delay and the Secretary determines that it is not feasible for the educational institution to monitor interruption or termination of the veteran's or eligible person's pursuit of such program.

(B) An educational institution which, pursuant to subparagraph (A) of this paragraph, is delaying the reporting of the enrollment or reenrollment of a veteran shall provide the veteran with notice of the delay at the time that the veteran enrolls or reenrolls.

(3)(A) Subject to subparagraph (B) of this paragraph, an educational institution offering courses on a term, quarter, or semester basis may certify the enrollment of a veteran who is not on active duty, or of an eligible person, in such courses for more than one term, quarter, or semester at a time, but not for a period extending beyond the end of a school year (including the summer enrollment period).

(B) Subparagraph (A) of this paragraph shall not apply with respect to any term, quarter, or semester for which the veteran or eligible person is enrolled on a less than half-time basis and shall not be construed as restricting the Secretary from requiring that an educational institution, in reporting an enrollment for more than one term, quarter, or semester, specify the dates of any intervals within or between any such terms, quarters, or semesters.

(b) The Secretary, prior to making payment of a reporting fee to an educational institution, as provided for in subsection (c) of this section, shall require such institution to certify that it has exercised reasonable diligence in determining whether such institution or any course offered by such institution approved for the en-

rollment of veterans or eligible persons meets all of the applicable requirements of chapters 31, 34, 35, and 36 of this title and that it will, without delay, report any failure to meet any such requirement to the Secretary.

(c) The Secretary may pay to any educational institution, or to the sponsor of a program of apprenticeship, furnishing education or training under either this chapter or chapter 31, 34, or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or joint apprenticeship training committee is required to submit to the Secretary by law or regulation. Such reporting fee shall be computed for each calendar year by multiplying \$12 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 31, 34, or 35 of this title, or \$15 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 3680(d)(4) of this title, during the calendar year. The reporting fee shall be paid to such educational institution or joint apprenticeship training committee as soon as feasible after the end of the calendar year for which it is applicable. No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Secretary against any liability of such institution for any overpayment for which such institution may be administratively determined to be liable under section 3685 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction. Any reporting fee paid an educational institution or joint apprenticeship training committee after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011¹ shall be utilized by such institution or committee solely for the making of certifications required under this chapter or chapter 31, 34, or 35 of this title or for otherwise supporting programs for veterans. The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 22, §1784; amended Pub. L. 90-77, title III, §308(a), Aug. 31, 1967, 81 Stat. 189; Pub. L. 92-540, title III, §315, Oct. 24, 1972, 86 Stat. 1084; Pub. L. 93-508, title II, §210(2), Dec. 3, 1974, 88 Stat. 1585; Pub. L. 94-502, title V, §§507, 508, 513(a)(17), Oct. 15, 1976, 90 Stat. 2400, 2403; Pub. L. 95-202, title III, §304(a)(1), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title III, §343(a), (b)(1), title VI, §601(e), Oct. 17, 1980, 94 Stat. 2198, 2208; Pub. L. 97-295, §4(55), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 99-576, title III, §§318, 319, Oct. 28, 1986, 100 Stat. 3275; Pub. L. 101-237, title IV, §§416(a), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2086, 2092; renumbered §3684 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-368, title II, §201(a), (b), Nov. 11, 1998, 112 Stat. 3326; Pub. L. 106-419, title IV, §404(a)(7), Nov. 1, 2000, 114 Stat.

¹ See References in Text note below.

1865; Pub. L. 108-454, title I, §110(d), Dec. 10, 2004, 118 Stat. 3605; Pub. L. 111-275, title X, §1001(i), Oct. 13, 2010, 124 Stat. 2896; Pub. L. 111-377, title II, §204(a), (b), Jan. 4, 2011, 124 Stat. 4126.)

REFERENCES IN TEXT

The date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011, referred to in subsec. (c), probably means the date of enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, Pub. L. 111-377, which was approved Jan. 4, 2011.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1191, 1202, which was classified to former sections 1665(a) and 1765(a) of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

AMENDMENTS

2011—Subsec. (c). Pub. L. 111-377 substituted “multiplying \$12” for “multiplying \$7” and “or \$15” for “or \$11” and inserted after fourth sentence “Any reporting fee paid an educational institution or joint apprenticeship training committee after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011 shall be utilized by such institution or committee solely for the making of certifications required under this chapter or chapter 31, 34, or 35 of this title or for otherwise supporting programs for veterans.”

2010—Subsec. (a)(1). Pub. L. 111-275 substituted “34,” for “34.”

2004—Subsec. (c). Pub. L. 108-454 substituted “or to the sponsor of a program of apprenticeship” for “or to any joint apprenticeship training committee acting as a training establishment”.

2000—Subsec. (c). Pub. L. 106-419 substituted “calendar” for “calender” after “during the”.

1998—Subsec. (c). Pub. L. 105-368, in second sentence, substituted “during the calender year.” for “on October 31 of that year; except that the Secretary may, where it is established by such educational institution or joint apprenticeship training committee that eligible veteran plus eligible person enrollment on such date varies more than 15 percent from the peak eligible veteran enrollment plus eligible person enrollment in such educational institution or joint apprenticeship training committee during such calendar year, establish such other date as representative of the peak enrollment as may be justified for such educational institution or joint apprenticeship training committee.” and inserted at end “The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.”

1991—Pub. L. 102-83, §5(a), renumbered section 1784 of this title as this section.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “3680(d)(4)” for “1780(d)(4)” and “3685” for “1785”.

1989—Subsec. (a)(1). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 101-237, §416(a)(1), substituted “chapter 31, 34,” for “chapter 34”.

Subsec. (a)(2)(A), (3)(B). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 101-237, §416(a)(2), inserted reference to chapter 31.

Subsec. (c). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 101-237, §416(a)(3), inserted references to chapter 31.

1986—Subsec. (a)(1), (2). Pub. L. 99-576, §318, designated existing provisions as par. (1), substituted “Except as provided in paragraph (2) of this subsection, the” for “The”, and added par. (2).

Subsec. (a)(3). Pub. L. 99-576, §319, added par. (3).

1982—Subsec. (c). Pub. L. 97-295 substituted “percent” for “per centum”.

1980—Pub. L. 96-466, §343(b)(1), substituted “Reports by veterans, eligible persons, and institutions” for “Reports by institutions” in section catchline.

Subsec. (a). Pub. L. 96-466, §343(a)(1), expanded provisions to require reports by veterans and eligible persons.

Subsec. (b). Pub. L. 96-466, §343(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 96-466, §§343(a)(2), 601(e), redesignated former subsec. (b) as (c) and substituted “section 1780(d)(4)” for “section 1780(d)(5)”.

1977—Subsec. (b). Pub. L. 95-202 substituted “\$7” and “\$11” for “\$5” and “\$6”, respectively, and inserted provision that no reporting fee payable to an educational institution under this subsection be subject to offset by the Administrator against any liability of the institution for any overpayment for which the institution may be administratively determined to be liable under section 1785 of this title unless that liability is not contested by the institution or has been upheld by a final decree of a court of appropriate jurisdiction.

1976—Subsec. (a). Pub. L. 94-502, §§507, 513(a)(17), substituted “prescribed by the Administrator” for “prescribed by him”, and specified the date of interruption or termination as the last date of pursuit, or in the case of a correspondence school, the last date a lesson was serviced.

Subsec. (b). Pub. L. 94-502, §§508, 513(a)(17), substituted “\$5” for “\$3”, “\$6” for “\$4”, and “submit to the Administrator” for “submit to him”.

1974—Subsec. (b). Pub. L. 93-508 extended the payment of reporting fee to educational institutions under this chapter and to joint apprenticeship training committees acting as training establishments, and in provisions relating to computation of such fee, substituted reference to this chapter for reference to chapter 36 of this title.

1972—Subsec. (a). Pub. L. 92-540, §315(1), inserted reference to chapter 36 of this title.

Subsec. (b). Pub. L. 92-540, §315(1), (2), (3), inserted reference to chapter 36 of this title, and substituted provisions relating to the computation of the reporting fee based on the number of eligible veterans or eligible persons enrolled under chapter 34, 35, or 36 of this title, or based on eligible veterans and eligible persons whose educational assistance checks are directed in care of such institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title, for provisions relating to the computation of such fee based on eligible veterans enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title.

1967—Pub. L. 90-77 provided for the reporting fee in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title II, §204(c), Jan. 4, 2011, 124 Stat. 4126, provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 2011.”

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title II, §201(c), Nov. 11, 1998, 112 Stat. 3326, provided that: “The amendments made by this section [amending this section] shall apply with respect to calendar years beginning after December 31, 1998.”

EFFECTIVE DATE OF 1989 AMENDMENT

Section 416(b) of Pub. L. 101-237 provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 1990.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 343(a), (b)(1) of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically

provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

Amendment by section 601(e) of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by section 304(a)(1)(A) of Pub. L. 95-202 effective retroactively to Oct. 1, 1977, and amendment by section 304(a)(1)(B) of Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 507, 508, and 513(a)(17) of Pub. L. 94-502 effective Dec. 1, 1976, Oct. 1, 1976, and Oct. 15, 1976, respectively, see section 703 of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

§ 3684A. Procedures relating to computer matching program

(a)(1) Notwithstanding section 552a(p) of title 5 and subject to paragraph (2) of this subsection, the Secretary may suspend, terminate, reduce, or make a final denial of any financial assistance or payment under an educational assistance program provided for in chapter 30 or 32 of this title or in chapter 106 of title 10 in the case of any individual, or take other adverse action against such individual, based on information produced by a matching program with the Department of Defense.

(2) The Secretary may not take any action referred to in paragraph (1) of this subsection until—

(A) the individual concerned has been provided a written notice containing a statement of the findings of the Secretary based on the matching program, a description of the proposed action, and notice of the individual's right to contest such findings within 10 days after the date of the notice; and

(B) the 10-day period referred to in subparagraph (A) of this paragraph has expired.

(3) In computing the 10-day period referred to in paragraph (2) of this subsection, Saturdays, Sundays, and Federal holidays shall be excluded.

(b) For the purposes of subsection (q) of section 552a of title 5, compliance with the provisions of subsection (a) of this section shall be considered compliance with the provisions of subsection (p) of such section 552a.

(c) For purposes of this section, the term "matching program" has the same meaning provided in section 552a(a)(8) of title 5.

(Added Pub. L. 101-366, title II, §206(a), Aug. 15, 1990, 104 Stat. 441, §1784A; renumbered §3684A, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1784A of this title as this section.

§ 3685. Overpayments to eligible persons or veterans

(a) Whenever the Secretary finds that an overpayment has been made to a veteran or eligible person, the amount of such overpayment shall constitute a liability of such veteran or eligible person to the United States.

(b) Whenever the Secretary finds that an overpayment has been made to a veteran or eligible person as the result of (1) the willful or negligent failure of an educational institution to report, as required under this chapter or chapter 34 or 35 of this title, to the Department of Veterans Affairs excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) the willful or negligent false certification by an educational institution, the amount of such overpayment shall constitute a liability of the educational institution to the United States.

(c) Any overpayment referred to in subsection (a) or (b) of this section may be recovered, except as otherwise provided in the last sentence of section 3684(c) of this title, in the same manner as any other debt due the United States.

(d) Any overpayment referred to in subsection (a) or (b) of this section may be waived as to a veteran or eligible person as provided in section 5302 of this title. Waiver of any such overpayment as to a veteran or eligible person shall in no way release any educational institution from liability under subsection (b) of this section.

(e)(1) Any amount collected from a veteran or eligible person pursuant to this section shall be reimbursed to the educational institution which is liable pursuant to subsection (b) of this section to the extent that collection was made from the educational institution.

(2) Nothing in this section or any other provision of this title shall be construed as (A) precluding the imposition of any civil or criminal liability under this title or any other law, or (B) requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 22, §1785; amended Pub. L. 92-540, title IV, §403(11), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 95-202, title III, §304(a)(2), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title III, §344, Oct. 17, 1980, 94 Stat. 2199; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §3685 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1191, 1202, which was classified to former sections 1666 and 1766 of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1785 of this title as this section.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "3684(c)" for "1784(c)".

Subsec. (d). Pub. L. 102-40 substituted "5302" for "3102".

1989—Subsecs. (a), (b). Pub. L. 101-237 substituted "Secretary" and "Department of Veterans Affairs" for

“Administrator” and “Veterans’ Administration”, respectively, wherever appearing.

1980—Pub. L. 96-466 designated existing provisions as subsecs. (b), (c), and (e), with minor changes in language, and added subsecs. (a) and (d).

1977—Pub. L. 95-202 inserted “, except as otherwise provided in section 1784(b) of this title,” after “recovered” in first sentence, and inserted last sentence providing that nothing in this section or any other provision of this title shall be construed as requiring any institution of higher learning to maintain daily attendance for any course leading to a standard college degree.

1972—Pub. L. 92-540 inserted “this chapter or” before “chapter 34 or 35”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

§ 3686. Correspondence courses

(a)(1) Each eligible veteran (as defined in section 3452(a)(1) and (2) of this title) and each eligible spouse or surviving spouse (as defined in section 3501(a)(1)(B), (C), (D), or (E) of this title) who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or spouse or surviving spouse. The term “established charge” as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran or spouse or surviving spouse, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran or spouse or surviving spouse and serviced by the institution.

(2) The period of entitlement of any veteran or spouse or surviving spouse who is pursuing any program of education exclusively by correspondence shall be charged with one month for each \$376 which is paid to the veteran or spouse or surviving spouse as an educational assistance allowance for such course.

(3) Notwithstanding any other provision of law unless enacted in express limitation of this paragraph, funds in the Department of Veterans Affairs readjustment benefits account shall be available for payments under paragraph (1) of this subsection for pursuit of a program of education exclusively by correspondence in which the veteran or spouse or surviving spouse enrolls after September 30, 1981.

(b) The enrollment agreement shall fully disclose the obligation of both the institution and the veteran or spouse or surviving spouse and shall prominently display the provisions for affirmance, termination, refunds, and the conditions under which payment of the allowance is

made by the Secretary to the veteran or spouse or surviving spouse. A copy of the enrollment agreement shall be furnished to each such veteran or spouse or surviving spouse at the time such veteran or spouse or surviving spouse signs such agreement. No such agreement shall be effective unless such veteran or spouse or surviving spouse shall, after the expiration of five days after the enrollment agreement is signed, have signed and submitted to the Secretary a written statement, with a signed copy to the institution, specifically affirming the enrollment agreement. In the event the veteran or spouse or surviving spouse at any time notifies the institution of such veteran's or spouse's intention not to affirm the agreement in accordance with the preceding sentence, the institution, without imposing any penalty or charging any fee shall promptly make a full refund of all amounts paid.

(c) In the event a veteran or spouse or surviving spouse elects to terminate such veteran's or spouse's enrollment under an affirmed enrollment agreement, the institution may charge the veteran or spouse or surviving spouse a registration or similar fee not in excess of 10 percent of the tuition for the course, or \$50, whichever is less. Where the veteran or spouse or surviving spouse elects to terminate the agreement after completion of one or more but less than 25 percent of the total number of lessons comprising the course, the institution may retain such registration or similar fee plus 25 percent of the tuition for the course. Where the veteran or spouse or surviving spouse elects to terminate the agreement after completion of 25 percent but less than 50 percent of the lessons comprising the course, the institution may retain the full registration or similar fee plus 50 percent of the course tuition. If 50 percent or more of the lessons are completed, no refund of tuition is required.

(Added Pub. L. 92-540, title III, §316(1), Oct. 24, 1972, 86 Stat. 1084, §1786; amended Pub. L. 93-508, title I, §104(1), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, §205(a), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title V, §§501(1), 513(a)(18), Oct. 15, 1976, 90 Stat. 2398, 2403; Pub. L. 95-202, title I, §104(1), Nov. 23, 1977, 91 Stat. 1435; Pub. L. 96-466, title II, §§203(2), 213(2), title VI, §604, Oct. 17, 1980, 94 Stat. 2189, 2191, 2209; Pub. L. 97-35, title XX, §2004(a), Aug. 13, 1981, 95 Stat. 782; Pub. L. 97-174, §5(a), May 4, 1982, 96 Stat. 75; Pub. L. 97-295, §4(56), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 98-543, title II, §204(1), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered §3686 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, §605(a)(2)(C), Nov. 2, 1994, 108 Stat. 4672; Pub. L. 109-444, §3(c)(1), Dec. 21, 2006, 120 Stat. 3307; Pub. L. 109-461, title III, §301(c)(1), title X, §1006(b), Dec. 22, 2006, 120 Stat. 3427, 3468; Pub. L. 110-389, title III, §323, Oct. 10, 2008, 122 Stat. 4168.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-389 substituted “five” for “ten”.

2006—Subsec. (a)(1). Pub. L. 109-461, §1006(b), provided that as of the enactment of Pub. L. 109-461, the amendments made by Pub. L. 109-444 were deemed for all pur-

poses not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, §301(c)(1), substituted “(D), or (E)” for “or (D)”.

Pub. L. 109-444, which substituted “(D), or (E)” for “or (D)”, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

1994—Subsec. (c). Pub. L. 103-446 struck out “(other than one subject to the provisions of section 3676 of this title)” before “may charge”.

1991—Pub. L. 102-83, §5(a), renumbered section 1786 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, §5(c)(1), substituted “3452(a)(1)” for “1652(a)(1)” and “3501(a)(1)(B)” for “1701(a)(1)(B)”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “3676” for “1776”.

1989—Subsecs. (a)(3), (b). Pub. L. 101-237 substituted “Secretary” and “Department of Veterans Affairs” for “Administrator” and “Veterans’ Administration”, respectively, wherever appearing.

1984—Subsec. (a)(2). Pub. L. 98-543 substituted “3376” for “3342”.

1982—Subsec. (a)(3). Pub. L. 97-174 added par. (3).

Subsec. (c). Pub. L. 97-295 substituted “percent” for “per centum” wherever appearing.

1981—Subsec. (a)(1). Pub. L. 97-35 substituted “55” for “70”.

1980—Subsec. (a)(1). Pub. L. 96-466, §604, substituted “70 percent” for “90 per centum”.

Subsec. (a)(2). Pub. L. 96-466, §213(2), substituted “3342” for “3327”.

Pub. L. 96-466, §203(2), substituted “3327” for “3311”.

1977—Subsec. (a)(2). Pub. L. 95-202 substituted “3311” for “3292”.

1976—Subsec. (a)(1). Pub. L. 94-502, §513(a)(18), substituted “spouse or surviving spouse” for “wife or widow” wherever appearing.

Subsec. (a)(2). Pub. L. 94-502, §§501(1), 513(a)(18), substituted “spouse or surviving spouse” for “wife or widow” in two places and “3292” for “3270”.

Subsecs. (b), (c). Pub. L. 94-502, §513(a)(18), substituted “spouse or surviving spouse” for “wife or widow” wherever appearing and “such veteran’s or spouse’s” for “his”.

1975—Subsec. (a)(2). Pub. L. 93-602 substituted “3270” for “3260”.

1974—Subsec. (a)(2). Pub. L. 93-508 substituted “3260” for “220”.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(c)(1) of Pub. L. 109-461 applicable with respect to a payment of educational assistance for a course of education pursued after Dec. 22, 2006, see section 301(d) of Pub. L. 109-461, set out as a note under section 3501 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-446 applicable with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after Nov. 2, 1994, see section 605(b) of Pub. L. 103-446, set out as a note under section 3672 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-543 effective Oct. 1, 1984, see section 205 of Pub. L. 98-543, set out as a note under section 3108 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 5(b) of Pub. L. 97-174 provided that: “The amendment made by subsection (a) of this section [amending this section] shall take effect as of October 1, 1981.”

EFFECTIVE DATE OF 1981 AMENDMENT

Section 2004(b) of Pub. L. 97-35 provided that: “The amendment made by subsection (a) [amending this sec-

tion] shall not apply to correspondence lessons completed and submitted to the educational institution concerned before October 1, 1981.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 203(2) and 213(2) of Pub. L. 96-466 effective Oct. 1, 1980, and Jan. 1, 1981, respectively, see section 802(b) of Pub. L. 96-466, set out as a note under section 3482 of this title.

Amendment by section 604 of Pub. L. 96-466 effective Oct. 1, 1980, except that such amendment not applicable to any person receiving educational assistance under chapter 34 or 35 of this title on Sept. 1, 1980, for the pursuit of a program of education in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for the pursuit of such program under the provisions of such chapter and chapter 36 of this title as in effect on that date, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 501(1) and 513(a)(18) of Pub. L. 94-502 effective Oct. 1, 1976, and Oct. 15, 1976, respectively, see section 703(a), (b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-602 effective Jan. 1, 1975, see section 206 of Pub. L. 93-602, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Sept. 1, 1974, see section 501 of Pub. L. 93-508, set out as a note under section 3482 of this title.

EFFECTIVE DATE

Section 602 of Pub. L. 92-540 provided that:

“(a) The provisions of section 1786 [now 3686] of title 38, United States Code (as added by section 316 of this Act), which apply to programs of education exclusively by correspondence, shall, as to those wives and widows made eligible for such training by that section, become effective January 1, 1973, and, as to eligible veterans, shall apply only to those enrollment agreements which are entered into on or after January 1, 1973.

“(b) Notwithstanding the provisions of subsection (a) of this section, any enrollment agreement entered into by an eligible veteran prior to January 1, 1973, shall continue to be subject to the provisions of section 1682(c) of title 38, United States Code, prior to its repeal by section 303 of this Act.”

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92-540, set out as a note under section 3512 of this title.

§ 3687. Apprenticeship or other on-job training

(a) An eligible veteran (as defined in section 3452(a)(1) of this title) or an eligible person (as defined in section 3501(a) of this title) shall be paid a training assistance allowance as prescribed by subsection (b) of this section while pursuing a full-time—

(1) program of apprenticeship approved by a State approving agency as meeting the stand-

ards of apprenticeship published by the Secretary of Labor pursuant to section 2 of the Act of August 16, 1937 (popularly known as the "National Apprenticeship Act") (29 U.S.C. 50a), or

(2) program of other on-job training approved under provisions of section 3677 of this title,

subject to the conditions and limitations of chapters 34 and 35 of this title with respect to educational assistance.

(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
First 6 months	\$274	\$307	\$336	The amount in column IV, plus the following for each dependent in excess of two:
Second 6 months.	205	239	267	\$14
Third 6 months	136	171	198	14
Fourth and any succeeding 6-month periods.	68	101	131	14

(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be \$574 for the first six months, \$429 for the second six months, \$285 for the third six months, and \$144 for the fourth and any succeeding six-month period of training.

(3) In any month in which an eligible veteran or person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) or (2) of this section, as applicable, shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

(c) For the purpose of this chapter, the terms "program of apprenticeship" and "program of other on-job training" shall have the same meaning as "program of education"; and the term "training assistance allowance" shall have the same meaning as "educational assistance allowance" as set forth in chapters 34 and 35 of this title.

(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).

(e)(1) For each month that an individual (as defined in paragraph (3)) is paid a training assistance allowance under subsection (a), the entitlement of the individual shall be charged at a percentage rate (rounded to the nearest percent) that is equal to the ratio of—

(A) the training assistance allowance for the month involved, to

(B) the monthly educational assistance allowance otherwise payable for full-time enrollment in an educational institution.

(2) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under paragraph (1) shall be reduced in the same proportion as the monthly training assistance allowance payable is reduced under subsection (b)(3).

(3) In this section, the term "individual" means—

(A) an eligible veteran who is entitled to monthly educational assistance allowances payable under section 3015(e) of this title, or

(B) an eligible person who is entitled to monthly educational assistance allowances payable under section 3532(a) of this title,

as the case may be.

(Added Pub. L. 92-540, title III, §316(1), Oct. 24, 1972, 86 Stat. 1085, §1787; amended Pub. L. 93-508, title I, §104(2), (3), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, §205(b), Jan. 2, 1975, 88 Stat. 1959; Pub. L. 94-502, title V, §501(2), Oct. 15, 1976, 90 Stat. 2398; Pub. L. 95-202, title I, §104(2), Nov. 23, 1977, 91 Stat. 1435; Pub. L. 96-466, title II, §§203(3), 213(3), Oct. 17, 1980, 94 Stat. 2189, 2191; Pub. L. 97-295, §4(57), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 98-543, title II, §204(2), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 101-237, title IV, §403(b), Dec. 18, 1989, 103 Stat. 2080; renumbered §3687 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-178, title VIII, §8210(d), as added Pub. L. 105-206, title IX, §9014(b), July 22, 1998, 112 Stat. 866; Pub. L. 106-419, title I, §111(d), (f)(2), Nov. 1, 2000, 114 Stat. 1830, 1831; Pub. L. 107-103, title I, §102(d), Dec. 27, 2001, 115 Stat. 978; Pub. L. 108-183, title III, §302(d), Dec. 16, 2003, 117 Stat. 2659; Pub. L. 108-454, title I, §102(a), Dec. 10, 2004, 118 Stat. 3600.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1683, as added by Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 91-219, title I, §103(e), Mar. 26, 1970, 84 Stat. 77; Pub. L. 91-584, §7, Dec. 24, 1970, 84 Stat. 1576, prior to repeal by section 401(6) of Pub. L. 92-540.

AMENDMENTS

2004—Subsec. (e). Pub. L. 108-454 added subsec. (e).

2003—Subsec. (b)(2). Pub. L. 108-183 substituted "shall be \$574 for the first six months, \$429 for the second six months, \$285 for the third six months, and \$144 for the fourth and any succeeding six-month period of training;" for "shall be \$488 for the first six months, \$365 for the second six months, \$242 for the third six months, and \$122 for the fourth and any succeeding six-month periods of training."

2001—Subsec. (b)(2). Pub. L. 107-103 substituted "\$488" for "\$428", "\$365" for "\$320", "\$242" for "\$212", and "\$122" for "\$107".

2000—Subsec. (b)(2). Pub. L. 106-419, §111(d), substituted "\$428" for "\$353", "\$320" for "\$264", "\$212" for "\$175", and "\$107" for "\$88".

Subsec. (d). Pub. L. 106-419, §111(f)(2), added subsec. (d).

1998—Subsec. (b)(2). Pub. L. 105-178, §8210(d), as added by Pub. L. 105-206, §9014(b), substituted “\$353” for “\$294”, “\$264” for “\$220”, “\$175” for “\$146”, and “\$88” for “\$73”.

1991—Pub. L. 102-83, §5(a), renumbered section 1787 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3452(a)(1)” for “1652(a)(1)” and “3501(a)” for “1701(a)” in introductory provisions and “3677” for “1777” in par. (2).

1989—Subsec. (b)(2). Pub. L. 101-237 substituted “\$294 for the first six months, \$220 for the second six months, \$146 for the third six months, and \$73 for the fourth and any succeeding six-month periods of training” for “computed at the rate prescribed in paragraph (1) of this subsection for an eligible veteran with no dependents pursuing such a course”.

1984—Subsec. (b)(1). Pub. L. 98-543 increased monthly training assistance allowance of eligible veterans in column II from \$249, \$186, \$124 and \$62 to \$274, \$205, \$136, and \$68; in column III from \$279, \$217, \$155, and \$92 to \$307, \$239, \$171, and \$101; in column IV from \$305, \$243, \$180, and \$119 to \$336, \$267, \$198 and \$131; in column V from \$13, \$13, \$13 and \$13 to \$14, \$14, \$14 and \$14, respectively.

1982—Subsec. (a). Pub. L. 97-295 substituted “section 2 of the Act of August 16, 1937 (popularly known as the ‘National Apprenticeship Act’) (29 U.S.C. 50a)” for “section 50a of title 29” in cl. (1), and inserted “of this title” after “34 and 35” in provisions following cl. (2).

1980—Subsec. (b)(1). Pub. L. 96-466, §213(3), increased monthly training assistance allowance of eligible veterans in column II from \$237, \$177, \$119, and \$59 to \$249, \$186, \$124, and \$62; in column III from \$267, \$207, \$148, and \$88 to \$279, \$217, \$155, and \$92; in column IV from \$291, \$232, \$172, and \$113 to \$305, \$243, \$180, and \$119, respectively.

Pub. L. 96-466, §203(3), increased monthly training assistance allowance of eligible veterans in column II from \$226, \$169, \$113, and \$56 to \$237, \$177, \$119, and \$59; in column III from \$254, \$197, \$141, and \$84 to \$267, \$207, \$148, and \$88; in column IV from \$277, \$221, \$164, and \$108 to \$291, \$232, \$172, and \$113; in column V from \$12, \$12, \$12, and \$12 to \$13, \$13, \$13, and \$13, respectively.

1977—Subsec. (b)(1). Pub. L. 95-202 increased monthly training assistance allowance of eligible veterans in column II from \$212, \$159, \$106, and \$53 to \$226, \$169, \$113, and \$56; in column III from \$238, \$185, \$132, and \$79 to \$254, \$197, \$141, and \$84; in column IV from \$260, \$207, \$154, and \$101 to \$277, \$221, \$164, and \$108; in column V from \$11, \$11, \$11, and \$11 to \$12, \$12, \$12, and \$12, respectively.

1976—Subsec. (b)(1). Pub. L. 94-502 increased monthly training assistance allowance of eligible veterans in column II from “\$196”, “\$147”, “\$98”, and “\$49” to “\$212”, “\$159”, “\$106”, and “\$53”; in column III from “\$220”, “\$171”, “\$122”, and “\$73” to “\$238”, “\$185”, “\$132”, and “\$79”; in column IV from “\$240”, “\$191”, “\$142”, and “\$93” to “\$260”, “\$207”, “\$154”, and “\$101”; and in column V from “\$10”, “\$10”, “\$10”, and “\$10” to “\$11”, “\$11”, “\$11”, and “\$11” respectively.

1975—Subsec. (b)(1). Pub. L. 93-602 increased monthly training assistance allowance of eligible veterans in column II from “\$189”, “\$142”, “\$95”, and “\$47” to “\$196”, “\$147”, “\$98”, and “\$49”; in column III from “\$212”, “\$164”, “\$117”, “\$70” to “\$220”, “\$171”, “\$122”, and “\$73”; in column IV from “\$232”, “\$184”, “\$137”, and “\$90” to “\$240”, “\$191”, “\$142”, and “\$93”; and in column V from “\$9”, “\$9”, “\$9”, and “\$9” to “\$10”, “\$10”, “\$10”, and “\$10” respectively.

1974—Subsec. (b)(1). Pub. L. 93-508, §104(2), increased monthly training assistance allowance of eligible veterans in column II from “\$160, \$120, \$80, and \$40” to “\$189, \$142, \$95, and \$47”; in column III from “\$179, \$139, \$99, and \$59” to “\$212, \$164, \$117, and \$70”; in column IV from “\$196, \$156, \$116, and \$76” to “\$232, \$184, \$137, and \$90”; and in column V from “\$8, \$8, \$8, and \$8” to “\$9, \$9, \$9, and \$9” respectively.

Subsec. (b)(2). Pub. L. 93-508, §104(3), substituted “computed at the rate prescribed in paragraph (1) of this subsection for an eligible veteran with no dependents pursuing such a course” for “(A) \$160 during the first six-month period, (B) \$120 during the second six-month period, (C) \$80 during the third six-month period, and (D) \$40 during the fourth and any succeeding six-month period”.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-454, title I, §102(b), Dec. 10, 2004, 118 Stat. 3600, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to months beginning after September 30, 2005.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-183 effective July 1, 2004, and applicable with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of this title for months beginning on or after that date, see section 302(e) of Pub. L. 108-183, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Jan. 1, 2002, and applicable with respect to educational assistance allowances payable under chapter 35 of this title and subsec. (b)(2) of this section for months beginning on or after that date, see section 102(e) of Pub. L. 107-103, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 111(d) of Pub. L. 106-419 effective Nov. 1, 2000, and applicable with respect to educational assistance allowances paid under chapter 35 of title 38 for months after October 2000, see section 111(e) of Pub. L. 106-419, set out as a note under section 3532 of this title.

Subsec. (d) of this section effective Oct. 1, 2001, see section 111(f)(3) of Pub. L. 106-419, set out as an Effective Date note under section 3564 of this title.

EFFECTIVE DATE OF 1998 AMENDMENTS

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

Amendment by Pub. L. 105-178 effective Oct. 1, 1998, and applicable with respect to educational assistance allowances paid for months after September 1998, see section 8210(e) of Pub. L. 105-178, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-237 effective Jan. 1, 1990, see section 403(c) of Pub. L. 101-237, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-543 effective Oct. 1, 1984, see section 205 of Pub. L. 98-543, set out as a note under section 3108 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 203(3) and 213(3) of Pub. L. 96-466 effective Oct. 1, 1980, and Jan. 1, 1981, respectively, see section 802(b) of Pub. L. 96-466, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 1, 1976, see section 703(a) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-602 effective Jan. 1, 1975, see section 206 of Pub. L. 93-602, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Sept. 1, 1974, see section 501 of Pub. L. 93-508, set out as a note under section 3482 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92-540, set out as an Effective Date of 1972 Amendment note under section 3482 of this title.

INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING; SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE

Pub. L. 108-454, title I, §103(c), Dec. 10, 2004, 118 Stat. 3601, provided that:

“(1) For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (b)(2) of section 3687 of title 38, United States Code, shall be applied as if—

“(A) the reference to ‘\$574 for the first six months’ were a reference to ‘\$650 for the first six months’;

“(B) the reference to ‘\$429 for the second six months’ were a reference to ‘\$507 for the second six months’; and

“(C) the reference to ‘\$285 for the third six months’ were a reference to ‘\$366 for the third six months’.

“(2) Subsection (d) of such section 3687 shall not apply with respect to the provisions of paragraph (1) for months occurring during fiscal year 2006.

“(3) For months beginning on or after January 1, 2008, the Secretary shall carry out subsection (b)(2) of such section 3687 as if paragraphs (1) and (2) were not enacted into law.”

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92-540.

§ 3688. Measurement of courses

(a) For the purposes of this chapter and chapters 34 and 35 of this title—

(1) an institutional trade or technical course offered on a clock-hour basis, not leading to a standard college degree, involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 22 hours per week of attendance (excluding supervised study) is required, with no more than 2½ hours of rest periods per week allowed;

(2) an institutional course offered on a clock-hour basis, not leading to a standard college degree, in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 18 hours per week net of instruction (excluding supervised study but which may include customary intervals not to exceed 10 minutes between hours of instruction) is required;

(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of education leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary

school years. For the purpose of subclause (A) of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

(4) an institutional undergraduate course offered by a college or university on a standard quarter- or semester-hour basis, other than a course pursued as part of a program of education beyond the baccalaureate level, shall be considered a full-time course when a minimum of fourteen semester hours per semester or the equivalent thereof (including such hours for which no credit is granted but which are required to be taken to correct an educational deficiency and which the educational institution considers to be quarter or semester hours for other administrative purposes), for which credit is granted toward a standard college degree, is required, except that where such college or university certifies, upon the request of the Secretary, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course;

(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran or person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining;

(6) an institutional course offered as part of a program of education, not leading to a standard college degree, under section 3034(a)(3), 3241(a)(2), or 3533(a) of this title shall be considered a full-time course on the basis of measurement criteria provided in clause (2), (3), or (4) of this subsection as determined by the educational institution; and

(7) an institutional course not leading to a standard college degree offered by an educational institution on a standard quarter- or semester-hour basis shall be measured as full time on the same basis as provided in paragraph (4) of this subsection, but if the educational institution offering the course is not an institution of higher learning, then in no event shall such course be considered full time when it requires less than the minimum weekly hours of attendance required for full time by paragraph (1) or (2) of this subsection, as appropriate.

(b) The Secretary shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter, chapter 30, 32, 33, or 35 of this title, or chapter 106 of title 10.

(Added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1086, §1788; amended Pub. L. 93-508, title II, §211, Dec. 3, 1974, 88 Stat. 1585; Pub. L. 94-502, title V, §509(a), Oct. 15, 1976, 90 Stat. 2400; Pub. L. 95-202, title III, §304(a)(3), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title III, §345, title VI, §601(f), Oct. 17, 1980, 94 Stat. 2199, 2208; Pub. L. 97-295, §4(58), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 99-576, title III, §315(a)(2), (b), Oct. 28, 1986, 100 Stat. 3274; Pub. L. 100-322, title III, §321(a), May 20, 1988, 102 Stat. 535; Pub. L. 101-237, title IV, §§413(a), 417, 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2085, 2086, 2092; renumbered §3688 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, §316(a), Oct. 29, 1992, 106 Stat. 4333; Pub. L. 103-446, title VI, §607, title XII, §1201(e)(12), Nov. 2, 1994, 108 Stat. 4672, 4685; Pub. L. 110-252, title V, §5003(b)(2)(A)(ii), June 30, 2008, 122 Stat. 2375.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1684, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 18, §1683; renumbered Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 91-219, title II, §206(a), Mar. 26, 1970, 84 Stat. 81; Pub. L. 91-584, §§8, 11, Dec. 24, 1970, 84 Stat. 1577; and former section 1733, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1198; Pub. L. 91-219, title II, §206(b), Mar. 26, 1970, 84 Stat. 82; Pub. L. 91-584, §12, Dec. 24, 1970, 84 Stat. 1577, prior to the general revision by Pub. L. 92-540.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-252 inserted “33,” after “32.”

1994—Subsec. (a)(6). Pub. L. 103-446, §1201(e)(12), inserted comma after “3241(a)(2)”.

Subsec. (b). Pub. L. 103-446, §607, substituted “this chapter,” for “this chapter or” and inserted “, or chapter 106 of title 10” after “this title”.

1992—Subsec. (a). Pub. L. 102-568, §316(a)(1)(E), struck out concluding provisions which read as follows: “Notwithstanding the provisions of clause (1) or (2) of this subsection, an educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis (with full time measured on the same basis as provided by clause (4) of this subsection); but (A) the academic portions of such courses must require outside preparation and be measured on not less than one quarter or one semester hour for each fifty minutes net of instruction per week or quarter or semester; (B) the laboratory portions of such courses must be measured on not less than one quarter or one semester hour for each two hours (or two 50-minute periods) of attendance per week per quarter or semester; and (C) the shop portions of such courses must be measured on not less than one quarter or one semester hour for each three hours (or three 50-minute periods) of attendance per week per quarter or semester. In no event shall such course be considered a full-time course when less than twenty-two hours per week of attendance is required.”

Subsec. (a)(1). Pub. L. 102-568, §316(a)(1)(A), substituted “22 hours per week of attendance (excluding supervised study) is required, with no more than 2½ hours of rest periods per week allowed” for “thirty hours per week of attendance is required with no more than two and one-half hours of rest periods and not

more than 5 hours of supervised study per week allowed, but if such course is approved pursuant to section 3675(a)(1) of this title, then 22 hours per week of attendance, with no more than 2½ hours of rest period per week allowed and excluding supervised study, shall be considered full time”.

Subsec. (a)(2). Pub. L. 102-568, §316(a)(1)(B), substituted “18 hours per week net of instruction (excluding supervised study but which may include customary intervals not to exceed 10 minutes between hours of instruction) is required” for “twenty-five hours per week net of instruction and not more than 5 hours of supervised study (which may include customary intervals not to exceed ten minutes between hours of instruction) is required, but if such course is approved pursuant to section 3675(a)(1) of this title, then 18 hours per week net of instruction (excluding supervised study), which may include customary intervals not to exceed ten minutes between hours of instruction, shall be considered full time”.

Subsec. (a)(4). Pub. L. 102-568, §316(a)(1)(C), inserted “, other than a course pursued as part of a program of education beyond the baccalaureate level,” after “semester-hour basis” and struck out “in residence” after “by a college or university”.

Subsec. (a)(6). Pub. L. 102-568, §316(a)(1)(D), substituted “3034(a)(3), 3241(a)(2) or 3533(a)” for “3491(a)(2)”.

Subsec. (a)(7). Pub. L. 102-568, §316(a)(1)(E), added par. (7) and struck out former par. (7) which read as follows: “an institutional course not leading to a standard college degree, offered by a fully accredited institution of higher learning in residence on a standard quarter- or semester-hour basis, shall be measured as full time on the same basis as provided in clause (4) of this subsection if (A) such course is approved pursuant to section 3675 of this title, and (B) a majority of the total credits required for the course is derived from unit courses or subjects offered by the institution as part of a course, so approved, leading to a standard college degree.”

Subsec. (b). Pub. L. 102-568, §316(a)(2), substituted “30, 32,” for “34”.

Subsecs. (c) to (e). Pub. L. 102-568, §316(a)(3), struck out subsec. (c) which defined “in residence on a standard quarter- or semester-hour basis” for purposes of subsec. (a), subsec. (d) which specified which institutional undergraduate courses were to be considered full-time courses, and subsec. (e) which provided method for determining clock hours of enrollment.

1991—Pub. L. 102-83, §5(a), renumbered section 1788 of this title as this section.

Subsec. (a)(1), (2), (6), (7). Pub. L. 102-83, §5(c)(1), substituted “3675(a)(1)” for “1775(a)(1)” in pars. (1) and (2), “3491(a)(2)” for “1691(a)(2)” in par. (6), and “3675” for “1775” in par. (7).

1989—Subsec. (a). Pub. L. 101-237, §413(a)(1), inserted “(or three 50-minute periods)” after “three hours” in cl. (C) of penultimate sentence.

Subsecs. (a)(4), (b). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator”.

Subsec. (c). Pub. L. 101-237, §413(a)(2), inserted “(or three 50-minute periods)” after “three hours” in last sentence.

Subsec. (e). Pub. L. 101-237, §417, amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “For the purpose of determining whether a course—

“(1) which is offered by an institution of higher learning, and

“(2) for which such institution requires one or more unit courses or subjects for which credit is granted toward a standard college degree will, during the semester (or quarter or other applicable portion of the academic year) when such unit course or subject is being pursued, be considered full time under clause (1) or (2) of subsection (a) of this section, each of the numbers of hours specified in such clause shall be deemed to be reduced, during such semester (or other portion of the academic year), by the

percentage described in the following sentence and rounded as the Administrator may prescribe. Such percentage is the percentage that the number of semester hours (or the equivalent thereof) represented by such unit course or subject is of the number of semester hours (or the equivalent thereof) which, under clause (4) of such subsection, constitutes a full-time institutional undergraduate course at such institution."

1988—Subsec. (a). Pub. L. 100-322, §321(a)(1), inserted "(or two 50-minute periods)" after "two hours" in cl. (B) of penultimate sentence.

Subsec. (c). Pub. L. 100-322, §321(a)(2), inserted "(or two 50-minute periods)" after "two hours".

1986—Subsec. (a)(7). Pub. L. 99-576, §315(a)(2)(A), added par. (7).

Subsec. (c). Pub. L. 99-576, §315(a)(2)(B), struck out "(4)" after "(a)".

Subsec. (e). Pub. L. 99-576, §315(b), added subsec. (e). 1982—Subsec. (a)(6). Pub. L. 97-295 inserted "of this subsection" after "or (4)".

1980—Subsec. (a)(1), (2). Pub. L. 96-466, §345(a)(1), substituted "section 1775(a)(1) of this title" for "section 1775 of this title".

Subsec. (a)(4). Pub. L. 96-466, §345(a)(2), (3), substituted "in residence on a standard quarter- or semester-hour basis" for "on a quarter- or semester-hour basis", and inserted "per semester" after "minimum of fourteen semester hours".

Subsec. (a)(6). Pub. L. 96-466, §601(f), substituted "under section 1691(a)(2) of this title" for "under section 1691(a)(2) or 1696(a)(2) of this title".

Subsecs. (c), (d). Pub. L. 96-466, §345(b), added subsecs. (c) and (d).

1977—Subsec. (a)(1). Pub. L. 95-202, §304(a)(3)(A), (B), substituted "two and one-half hours of rest periods and not more than 5 hours of supervised study per week allowed, but if such course is approved pursuant to section 1775 of this title, then 22 hours per week of attendance" for "two and one-half hours of rest periods per week allowed, but if such course is approved pursuant to section 1775 of this title, then 27 hours per week of attendance".

Subsec. (a)(2). Pub. L. 95-202, §304(a)(3)(C), (D), substituted "minimum of twenty-five hours per week net of instruction and not more than 5 hours of supervised study" for "minimum of twenty-five hours per week net of instruction" and "18 hours per week" for "22 hours per week".

1976—Subsec. (a)(1). Pub. L. 94-502, §509(a)(1), provided that, if a course was approved pursuant to section 1775 of this title, then 27 hours of attendance per week with no more than 2½ hours of rest period per week would be considered full time.

Subsec. (a)(2). Pub. L. 94-502, §509(a)(2), provided that, if a course was approved pursuant to section 1775 of this title, then 22 hours of instruction per week with a ten minute interval between hours would be considered full time.

1974—Subsec. (a). Pub. L. 93-508 in cl. (1) substituted "basis, not leading to a standard college degree involving" for "basis below the college level involving"; in cl. (2) substituted "basis, not leading to a standard college degree, in which" for "basis below the college level in which"; in cl. (6) substituted "not leading to a standard college degree" for "below the college level"; and following cl. (6), inserted provisions that notwithstanding cls. (1) and (2) of this subsection, an educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis with special requirements for the academic, laboratory, and shop portions of such courses, and that in no event such course be considered a full-time course unless twenty-two hours per week of attendance is required.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-568 applicable to enrollments in courses beginning on or after July 1, 1993, see section 316(c) of Pub. L. 102-568, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 321(b) of Pub. L. 100-322 provided that: "The amendments made by subsection (a) [amending this section] shall apply to any enrollment or reenrollment commencing on or after the date of enactment of this Act [May 20, 1988]."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 345 of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

Amendment by section 601(f) of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective first day of first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

§ 3689. Approval requirements for licensing and certification testing

(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the test is deemed approved by section 3672(b)(2)(B) of this title or the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the provisions of this chapter and chapters 30, 32, 33, 34, and 35 of this title and with regulations prescribed by the Secretary to carry out this section.

(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; or

(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge

or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

(2) A licensing or certification test offered by a State, or a political subdivision of a State, is deemed approved by the Secretary for purposes of this section.

(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapter 30, 32, 33, 34, or 35 of this title and that meets the following requirements, shall be approved by the Secretary to offer such test:

(A) The organization or entity certifies to the Secretary that the licensing or certification test offered by the organization or entity is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered such test, or a test to certify or license in a similar or related occupation, for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license or certificate issued.

(D) The organization or entity has no direct financial interest in—

- (i) the outcome of the test; or
- (ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

(E) The organization or entity maintains appropriate records with respect to all candidates who take the test for a period prescribed by the Secretary, but in no case for a period of less than three years.

(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to the test or the process for obtaining a license or certificate required for vocations or professions.

(G) The organization or entity furnishes to the Secretary such information with respect to the test as the Secretary requires to determine whether payment may be made for the test under chapter 30, 32, 33, 34, or 35 of this title, including personal identifying information, fee payment, and test results. Such infor-

mation shall be furnished in the form prescribed by the Secretary.

(H) The organization or entity furnishes to the Secretary the following information:

(i) A description of the licensing or certification test offered by the organization or entity, including the purpose of the test, the vocational, professional, governmental, and other entities that recognize the test, and the license or certificate issued upon successful completion of the test.

(ii) The requirements to take the test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

(iii) The period for which the license or certificate awarded upon successful completion of the test is valid, and the requirements for maintaining or renewing the license or certificate.

(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests; and

(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapters 30, 32, 34, or 35 of this title, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

(d) ADMINISTRATION.—Except as otherwise specifically provided in this section or chapter 30, 32, 33, 34, or 35 of this title, in implementing this section and making payment under any such chapter for a licensing or certification test, the test is deemed to be a “course” and the organization or entity that offers such test is deemed to be an “institution” or “educational institution”, respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the “Committee”).

(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, 33, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

(3)(A) The Secretary shall appoint seven individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee.

(B) The Secretary of Labor and the Secretary of Defense shall serve as ex officio members of the Committee.

(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

(4)(A) The Secretary shall appoint the chairman of the Committee.

(B) The Committee shall meet at the call of the chairman.

(5) The Committee shall terminate December 31, 2006.

(Added Pub. L. 106-419, title I, §122(c)(1), Nov. 1, 2000, 114 Stat. 1835; amended Pub. L. 107-330, title III, §308(d), Dec. 6, 2002, 116 Stat. 2828; Pub. L. 110-252, title V, §5003(b)(2)(A)(iii), June 30, 2008, 122 Stat. 2375; Pub. L. 111-377, title II, §203(a)(2)(C), Jan. 4, 2011, 124 Stat. 4125.)

PRIOR PROVISIONS

A prior section 3689, added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1087, §1789; amended Pub. L. 94-502, title V, §509(b), Oct. 15, 1976, 90 Stat. 2401; Pub. L. 95-202, title III, §305(a)(1), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title VI, §601(g), Oct. 17, 1980, 94 Stat. 2208; Pub. L. 101-237, title IV, §§418, 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2087, 2092; renumbered §3689, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406, related to approval of enrollment in courses in operation for less than two years, prior to repeal by Pub. L. 104-275, title I, §103(a)(1)(A), Oct. 9, 1996, 110 Stat. 3326.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-377 inserted “the test is deemed approved by section 3672(b)(2)(B) of this title or” after “unless”.

2008—Subsecs. (a)(1), (c)(1), (d), (e)(2). Pub. L. 110-252 inserted “33,” after “32,” wherever appearing.

2002—Subsec. (c)(1)(B). Pub. L. 107-330 substituted “such test, or a test to certify or license in a similar or related occupation,” for “the test”.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 203(e) of Pub. L. 111-377, set out as a note under section 3034 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

EFFECTIVE DATE

Section effective Mar. 1, 2001, and applicable with respect to licensing and certification tests approved by the Secretary of Veterans Affairs on or after such date, see section 122(d) of Pub. L. 106-419, set out as an Effective Date of 2000 Amendment note under section 3032 of this title.

§ 3690. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

(a) OVERCHARGES BY EDUCATIONAL INSTITUTIONS.—If the Secretary finds that an educational institution has—

(1) charged or received from any eligible veteran or eligible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, or

(2) instituted, after October 24, 1972, a policy or practice with respect to the payment of tuition, fees, or other charges in the case of eligible veterans and the Secretary finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance allowances under such section,

the Secretary may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled therein under this chapter or chapter 31, 34, or 35 of this title.

(b) DISCONTINUANCE OF ALLOWANCES.—(1) The Secretary may discontinue the educational assistance allowance of any eligible veteran or eligible person if the Secretary finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if the Secretary finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35 of this title, or fails to meet any of the requirements of such chapters.

(2) Except as provided in paragraph (3) of this subsection, any action by the Secretary under paragraph (1) of this subsection to discontinue (including to suspend) assistance provided to any eligible veteran or eligible person under this chapter or chapter 31, 32, 34, or 35 of this title shall be based upon evidence that the veteran or eligible person is not or was not entitled to such assistance. Whenever the Secretary so discontinues any such assistance, the Secretary shall concurrently provide written notice to such veteran or person of such discontinuance and that such veteran or person is entitled thereafter to a statement of the reasons for such action and an opportunity to be heard thereon.

(3)(A) The Secretary may suspend educational assistance to eligible veterans and eligible persons already enrolled, and may disapprove the enrollment or reenrollment of any eligible veteran or eligible person, in any course as to which the Secretary has evidence showing a substantial pattern of eligible veterans or eligible persons, or both, who are receiving such assistance by virtue of their enrollment in such course but who are not entitled to such assistance because (i) the course approval requirements of this chapter are not being met, or (ii) the educational institution offering such course has violated one or more of the recordkeeping or reporting requirements of this chapter or chapter 30, 32, 33, 34, or 35 of this title.

(B) Action may be taken under subparagraph (A) of this paragraph only after—

(i) the Secretary provides to the State approving agency concerned and the educational institution concerned written notice of any such failure to meet such approval requirements and any such violation of such recordkeeping or reporting requirements;

(ii) such institution refuses to take corrective action or does not within 60 days after such notice (or within such longer period as the Secretary determines is reasonable and appropriate) take corrective action; and

(iii) the Secretary, not less than 30 days before taking action under such subparagraph, provides to each eligible veteran and eligible person already enrolled in such course written notice of the Secretary's intent to take such

action (and the reasons therefor) unless such corrective action is taken within such 60 days (or within such longer period as the Secretary has determined is reasonable and appropriate), and of the date on which the Secretary intends to take action under this subparagraph.

(c) EXAMINATION OF RECORDS.—Notwithstanding any other provision of law, the records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapter 31, 32, 34, or 35 of this title, as well as the records of other students which the Secretary determines necessary to ascertain institutional compliance with the requirements of such chapters, shall be available for examination by duly authorized representatives of the Government.

(d) FALSE OR MISLEADING STATEMENTS.—Whenever the Secretary finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, the Secretary shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

(Added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1088, §1790; amended Pub. L. 94-502, title V, §§510, 513(a)(19), Oct. 15, 1976, 90 Stat. 2401, 2403; Pub. L. 95-202, title III, §306, Nov. 23, 1977, 91 Stat. 1445; Pub. L. 96-466, title VIII, §801(f), Oct. 17, 1980, 94 Stat. 2216; Pub. L. 97-295, §4(59), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 97-306, title II, §207, Oct. 14, 1982, 96 Stat. 1435; Pub. L. 101-237, title IV, §423(a)(9), (b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered §3690, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-86, title V, §506(b)(1), Aug. 14, 1991, 105 Stat. 426; Pub. L. 109-233, title V, §503(8)(A), June 15, 2006, 120 Stat. 416; Pub. L. 110-252, title V, §5003(b)(2)(A)(iv), June 30, 2008, 122 Stat. 2375.)

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) were contained in former section 1685, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1684; renumbered Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186, and former section 1734, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 89-358, §4(m), Mar. 3, 1966, 80 Stat. 25; provisions similar to those comprising subsec. (b) were contained in former section 1687, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1686; renumbered Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; and former section 1736, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88-126, §2, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89-358, §4(o), Mar. 3, 1966, 80 Stat. 25; provisions similar to those comprising subsec. (c) were contained in former section 1786, as added by Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23; and provisions similar to those comprising subsec. (d) were contained in former section 1787, as added by Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23; prior to the general revision by Pub. L. 92-540.

AMENDMENTS

2008—Subsec. (b)(3)(A). Pub. L. 110-252 inserted “33,” after “32.”

2006—Pub. L. 109-233 revised style of subsec. headings.

1991—Pub. L. 102-83 renumbered section 1790 of this title as this section.

Subsec. (b). Pub. L. 102-86 made technical amendment to directory language of Pub. L. 101-237, §423(b)(2). See 1989 Amendment note below.

1989—Subsec. (a). Pub. L. 101-237, §423(a)(9)(A), (b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing and struck out “and prepayment” after “advance” in par. (2).

Subsec. (b). Pub. L. 101-237, §423(a)(9)(B), (C), (b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing, inserted “30,” before “32” in par. (3)(A), and in par. (3)(B) substituted “(B)” for “(B)(i)” and redesignated subcls. (I), (II), and (III) as cls. (i), (ii), and (iii), respectively.

Pub. L. 101-237, §423(b)(2), as amended by Pub. L. 102-86, substituted “Secretary’s” for “Administrator’s” in par. (3)(B)(iii).

Subsecs. (c), (d). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

1982—Subsec. (a). Pub. L. 97-295, §4(59)(A), substituted “after October 24, 1972” for “after the effective date of section 1780 of this title” in par. (2), and struck out the comma after “or 35” in provisions following par. (2).

Subsec. (b)(1). Pub. L. 97-295, §4(59)(B), inserted “of this title” after “provision of this chapter or chapter 34 or 35”.

Subsec. (b)(2). Pub. L. 97-306, §207(1), substituted “Except as provided in paragraph (3) of this subsection, any” for “Any”.

Subsec. (b)(3). Pub. L. 97-306, §207(2), added par. (3).

1980—Subsec. (b)(2). Pub. L. 96-466 substituted “for” for “therefor”.

1977—Subsec. (b). Pub. L. 95-202 designated existing provisions as par. (1) and added par. (2).

1976—Subsec. (a). Pub. L. 94-502, §513(a)(19), substituted “the Administrator may disapprove” for “he may disapprove”.

Subsec. (b). Pub. L. 94-502, §513(a)(19), substituted “if the Administrator finds” for “if he finds” in two places.

Subsec. (c). Pub. L. 94-502, §510, substituted “chapter 31, 32, 34, or 35” for “chapter 31, 34, or 35” and required the records of other students which the Administrator determines necessary to ascertain institutional compliance to be available for inspection.

Subsec. (d). Pub. L. 94-502, §513(a)(19), substituted “the Administrator shall make” for “he shall make”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 506(b)(1) of Pub. L. 102-86 provided that the amendment made by that section is effective as of Dec. 18, 1989.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

§ 3691. Change of program

(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and eligible person may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to the vet-

eran's or person's own misconduct, the veteran's or person's own neglect, or the veteran's or person's own lack of application shall not be entitled to any such change.

(b) The Secretary, in accordance with procedures that the Secretary may establish, may approve a change other than a change under subsection (a) of this section (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if the Secretary finds that—

(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to the veteran's or person's aptitudes, interests, and abilities; and

(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, the veteran's or person's program due to the veteran's or person's own misconduct, the veteran's or person's own neglect, or the veteran's or person's own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(c) The Secretary may also approve additional changes in program if the Secretary finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

(d)(1) For the purposes of this section, the term "change of program of education" shall not be deemed to include a change by a veteran or eligible person from the pursuit of one program to the pursuit of another program if—

(A) the veteran or eligible person has successfully completed the former program;

(B) the program leads to a vocational, educational, or professional objective in the same general field as the former program;

(C) the former program is a prerequisite to, or generally required for, pursuit of the subsequent program;

(D) in the case of a change from the pursuit of a subsequent program to the pursuit of a former program, the veteran or eligible person resumes pursuit of the former program without loss of credit or standing in the former program; or

(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.

(Added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1089, §1791; amended Pub. L. 94-502, title V, §513(a)(20), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 101-366, title II, §208(a), Aug. 15, 1990, 104 Stat. 443; renumbered §3691, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat.

406; Pub. L. 102-568, title III, §317, Oct. 29, 1992, 106 Stat. 4334; Pub. L. 110-389, title III, §324, Oct. 10, 2008, 122 Stat. 4168.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1672, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 15; and former section 1722, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, prior to repeal by sections 401(6) and 402(2) of Pub. L. 92-540, respectively.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110-389 designated existing provisions as par. (1), redesignated former pars. (1) to (4) as subpars. (A) to (D) of par. (1), respectively, and added subpar. (E) of par. (1) and par. (2).

1992—Subsec. (d). Pub. L. 102-568 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "As used in this section the term 'change of program of education' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second."

1991—Pub. L. 102-83 renumbered section 1791 of this title as this section.

1990—Subsec. (b). Pub. L. 101-366 substituted "The Secretary, in accordance with procedures that the Secretary may establish, may approve a change other than a change under subsection (a) of this section" for "The Secretary may approve one additional change".

1989—Subsecs. (b), (c). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1976—Subsec. (a). Pub. L. 94-502 substituted "the veteran's or person's" for "his" in three places.

Subsec. (b). Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds" and "the veteran's or person's" for "his" wherever appearing.

Subsec. (c). Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds".

EFFECTIVE DATE OF 1990 AMENDMENT

Section 208(b) of Pub. L. 101-366 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on June 1, 1991."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

§ 3692. Advisory committee

(a) There shall be a Veterans' Advisory Committee on Education formed by the Secretary which shall be composed of persons who are eminent in their respective fields of education, labor, and management and of representatives of institutions and establishments furnishing education to eligible veterans or persons enrolled under chapter 30, 32, 33, or 35 of this title and chapter 1606 of title 10. The committee shall also, to the maximum extent practicable, include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, the post-Vietnam era, and the Persian Gulf War. The Assistant Secretary of Education for Postsecondary Education (or such other comparable official of the Department of Education as the Secretary of Education may designate) and the Assistant Secretary of Labor for Veterans' Employment and Training shall be ex officio members of the advisory committee.

(b) The Secretary shall consult with and seek the advice of the committee from time to time

with respect to the administration of this chapter, chapters 30, 32, 33, and 35 of this title, and chapter 1606 of title 10. The committee may make such reports and recommendations as it considers desirable to the Secretary and the Congress.

(c) The committee shall remain in existence until December 31, 2013.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23, §1788; renumbered §1792 and amended Pub. L. 92-540, title III, §316(2), (3), Oct. 24, 1972, 86 Stat. 1086, 1089; Pub. L. 96-466, title III, §346, Oct. 17, 1980, 94 Stat. 2200; Pub. L. 99-576, title III, §304, Oct. 23, 1986, 100 Stat. 3269; Pub. L. 100-689, title I, §123, Nov. 18, 1988, 102 Stat. 4174; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-25, title III, §338, Apr. 6, 1991, 105 Stat. 91; Pub. L. 102-54, §14(c)(7), June 13, 1991, 105 Stat. 285; renumbered §3692, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-210, §2(d), Dec. 20, 1993, 107 Stat. 2497; Pub. L. 103-446, title VI, §608, Nov. 2, 1994, 108 Stat. 4672; Pub. L. 108-183, title III, §307, Dec. 16, 2003, 117 Stat. 2661; Pub. L. 110-252, title V, §5003(b)(2)(A)(v), June 30, 2008, 122 Stat. 2375; Pub. L. 111-275, title I, §102, Oct. 13, 2010, 124 Stat. 2866.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1190, which was classified to former section 1662 of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-275 substituted “December 31, 2013” for “December 31, 2009”.

2008—Subsecs. (a), (b). Pub. L. 110-252 inserted “33,” after “32.”

2003—Subsec. (a). Pub. L. 108-183, §307(a), (c)(1), substituted “chapter 1606” for “chapter 106” in first sentence and inserted “, to the maximum extent practicable,” after “The committee shall also” in second sentence.

Subsec. (b). Pub. L. 108-183, §307(c), substituted “chapters 30” for “chapter 30” and “chapter 1606” for “chapter 106”.

Subsec. (c). Pub. L. 108-183, §307(b), substituted “December 31, 2009” for “December 31, 2003”.

1994—Subsec. (a). Pub. L. 103-446, §608(1), struck out “34,” after “chapter 30, 32,” and inserted “and chapter 106 of title 10” after “of this title”.

Subsec. (b). Pub. L. 103-446, §608(2), substituted “this chapter, chapter 30, 32, and 35 of this title, and chapter 106 of title 10” for “this chapter and chapters 30, 32, 34, and 35 of this title”.

Subsec. (c). Pub. L. 103-446, §608(3), substituted “December 31, 2003” for “December 31, 1994”.

1993—Subsec. (c). Pub. L. 103-210 substituted “1994” for “1993”.

1991—Pub. L. 102-83 renumbered section 1792 of this title as this section.

Subsec. (a). Pub. L. 102-54 inserted “and Training” after “Employment”.

Pub. L. 102-25 substituted “the post-Vietnam era, and the Persian Gulf War” for “and the post-Vietnam era”.

1989—Subsecs. (a), (b). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

1988—Subsec. (c). Pub. L. 100-689 substituted “1993” for “1989”.

1986—Subsec. (a). Pub. L. 99-576, §304(1), substituted “a Veterans’ Advisory Committee on Education” for “an advisory committee”, and inserted reference to chapter 30.

Subsec. (b). Pub. L. 99-576, §304(2), inserted reference to chapter 30.

1980—Pub. L. 96-466 designated existing provisions as subsecs. (a) and (b), substituted reference to furnishing education to eligible veterans or persons enrolled under chapter 32, 34, or 35 of this title for reference to furnishing vocational rehabilitation under chapter 31 of this title or education to eligible persons or veterans enrolled under chapter 34 or 35 of this title, reference to the Assistant Secretary of Education for Postsecondary Education or other comparable official and the Assistant Secretary of Labor for Veterans’ Employment, for reference to the Commissioner of Education and the Administrator, Manpower Administration, Department of Labor, and reference to seeking the advice of the committee with respect to the administration of this chapter and chapters 32, 34, and 35 of this title for reference to advising the committee with respect to the administration of this chapter and chapters 31, 34, and 35 of this title, and inserted provision that the committee include veterans representative of the post-Vietnam era, and added subsec. (c).

1972—Pub. L. 92-540, §316(3), inserted provisions that the Committee also include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era and the Vietnam era.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

COMMISSION TO ASSESS VETERANS’ EDUCATION POLICY

Section 320 of Pub. L. 99-576, as amended by Pub. L. 100-323, §14, May 20, 1988, 102 Stat. 574, provided for establishment of a Commission on Veterans’ Education Policy, provided for appointment of members of Commission not later than Mar. 1, 1987, directed Commission to submit a report, not later than 18 months after at least 8 members had been appointed, to Committees on Veterans’ Affairs of Senate and House of Representatives, containing the Commission’s findings and recommendations on various matters relating to veterans’ education, directed Administrator of Veterans Affairs to file interim and final reports, not later than 2 years after Commission’s report, to those Committees responding to Commission’s report, and provided for termination of Commission 90 days after Administrator submitted final report.

STUDY OF EDUCATIONAL ASSISTANCE PROGRAMS FOR VETERANS, SURVIVORS, AND DEPENDENTS; SUBMISSION TO CONGRESS AND PRESIDENT BY SEPTEMBER 30, 1979

Pub. L. 95-202, title III, §304(b), Nov. 23, 1977, 91 Stat. 1442, directed Administrator of Veterans’ Affairs, in consultation with Advisory Committee formed pursuant to this section, to conduct a study respecting operation of programs of educational assistance carried out under this chapter and chapter 34 of this title and that a report concerning such study be submitted to Congress not later than Sept. 30, 1979.

STUDY OF OPERATION OF POST-KOREAN CONFLICT
PROGRAMS OF EDUCATIONAL ASSISTANCE

Section 413 of Pub. L. 92-540 provided for a comparative study of operation of post-Korean conflict program of educational assistance with similar prior programs available to veterans of World War II and Korean conflict, the results of such study and recommendations for improvement to be transmitted to President and Congress within six months of Oct. 24, 1972.

§ 3693. Compliance surveys

(a) Except as provided in subsection (b) of this section, the Secretary shall conduct an annual compliance survey of each institution offering one or more courses approved for the enrollment of eligible veterans or persons if at least 300 veterans or persons are enrolled in such course or courses under provisions of this title or if any such course does not lead to a standard college degree. Such compliance survey shall be designed to ensure that the institution and approved courses are in compliance with all applicable provisions of chapters 30 through 36 of this title. The Secretary shall assign at least one education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required to be made under this section for such year.

(b) The Secretary may waive the requirement in subsection (a) of this section for an annual compliance survey with respect to an institution if the Secretary determines, based on the institution's demonstrated record of compliance with all the applicable provisions of chapters 30 through 36 of this title, that the waiver would be appropriate and in the best interest of the United States Government.

(Added Pub. L. 94-502, title V, §511(1), Oct. 15, 1976, 90 Stat. 2401, §1793; amended Pub. L. 100-322, title III, §322, May 20, 1988, 102 Stat. 535; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3693, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1793 of this title as this section.

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1988—Pub. L. 100-322 amended section generally. Prior to amendment, section read as follows: "The Administrator shall conduct an annual compliance survey of each institution offering one or more courses approved for the enrollment of eligible veterans or persons where at least 300 veterans or persons are enrolled under provisions of this title or where the course does not lead to a standard college degree. Such compliance survey shall assure that the institution and approved courses are in compliance with all applicable provisions of chapters 31, 34, 35, and 36 of this title. The Administrator shall assign at least one education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required to be made under this section."

EFFECTIVE DATE

Section 703 of Pub. L. 94-502 provided that:

"(a) Sections 101, 201, 203, 207, 209, 301, 303, 304, 308, 501, 502, 503, and 508 [see Tables for classification] of this Act shall become effective on October 1, 1976.

"(b) Sections 102, 104, 202, 204, 205(1), 205(2), 205(3), 208, 210, 211, 302, 305, 306, 309, 310, 506, 510, 511, and 513 (other than paragraphs (7), (8), (9), and (10) of subsection (a)) [see Tables for classification] of this Act shall become

effective on the date of enactment of this Act [Oct. 15, 1976].

"(c) Sections 103, 205(4), 206, 307, 504, 505, 507, 509, 512, and 701 and title VI of this Act [see Tables for classification] shall become effective on December 1, 1976."

§ 3694. Use of other Federal agencies

(a) IN GENERAL.—In carrying out the Secretary's functions under this chapter or chapter 34 or 35 of this title, the Secretary may utilize the facilities and services of any other Federal department or agency. Any such utilization shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

(b) COORDINATION OF INFORMATION AMONG THE DEPARTMENTS OF VETERANS AFFAIRS, DEFENSE, AND LABOR WITH RESPECT TO ON-JOB TRAINING.—At the time of a servicemember's discharge or release from active duty service, the Secretary of Defense shall furnish to the Secretary such pertinent information concerning each registered apprenticeship pursued by the servicemember during the period of active duty service of the servicemember. The Secretary, in conjunction with the Secretary of Labor, shall encourage and assist States and private organizations to give credit to servicemembers for the registered apprenticeship program so pursued in the case of any related apprenticeship program the servicemember may pursue as a civilian.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23, §1790; renumbered §1794, Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1086; amended Pub. L. 94-502, title V, §513(a)(21), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 101-237, title IV, §423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered §3694, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 108-454, title I, §107, Dec. 10, 2004, 118 Stat. 3603.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1183, 1201, which was classified to former sections 1644 and 1761(c) of this title, prior to repeal and amendment by sections 4(a) and 3(a)(1) of Pub. L. 89-358, respectively.

AMENDMENTS

2004—Pub. L. 108-454 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1991—Pub. L. 102-83 renumbered section 1794 of this title as this section.

1989—Pub. L. 101-237 substituted "Secretary's" and "Secretary" for "Administrator's" and "Administrator", respectively.

1976—Pub. L. 94-502 substituted "the Administrator's" for "his".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

§ 3695. Limitation on period of assistance under two or more programs

(a) The aggregate period for which any person may receive assistance under two or more of the provisions of law listed below may not exceed 48 months (or the part-time equivalent thereof):

(1) Parts VII or VIII, Veterans Regulation numbered 1(a), as amended.

(2) Title II of the Veterans' Readjustment Assistance Act of 1952.

(3) The War Orphans' Educational Assistance Act of 1956.

(4) Chapters 30, 32, 33, 34, 35, and 36.

(5) Chapters 107, 1606, 1607, and 1611 of title 10.

(6) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

(7) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).

(8) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).

(b) No person may receive assistance under chapter 31 of this title in combination with assistance under any of the provisions of law cited in subsection (a) of this section in excess of 48 months (or the part-time equivalent thereof) unless the Secretary determines that additional months of benefits under chapter 31 of this title are necessary to accomplish the purposes of a rehabilitation program (as defined in section 3101(5) of this title) in the individual case.

(Added Pub. L. 90-631, §1(d)(1), Oct. 23, 1968, 82 Stat. 1331, §1791; renumbered §1795 and amended Pub. L. 92-540, title III, §316(2), title IV, §403(13), Oct. 24, 1972, 86 Stat. 1086, 1090; Pub. L. 96-466, title I, §103, Oct. 17, 1980, 94 Stat. 2187; Pub. L. 98-223, title II, §203(c)(2), Mar. 2, 1984, 98 Stat. 41; Pub. L. 98-525, title VII, §703(d), Oct. 19, 1984, 98 Stat. 2564; Pub. L. 101-237, title IV, §423(a)(8)(B), (b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3695 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 106-65, div. A, title V, §551(b), Oct. 5, 1999, 113 Stat. 614; Pub. L. 107-103, title V, §509(d), Dec. 27, 2001, 115 Stat. 997; Pub. L. 107-107, div. A, title X, §1048(i)(8), Dec. 28, 2001, 115 Stat. 1229; Pub. L. 108-375, div. A, title V, §527(b)(2), Oct. 28, 2004, 118 Stat. 1894; Pub. L. 110-252, title V, §5003(b)(1)(B), June 30, 2008, 122 Stat. 2375.)

REFERENCES IN TEXT

Parts VII and VIII, Veterans Regulation numbered 1(a), referred to in subsec. (a)(1), are Parts VII and VIII as added by acts Mar. 24, 1943, ch. 22, §2, 57 Stat. 43 and June 22, 1944, ch. 268, title II, §400(b), 58 Stat. 287 to Veterans Regulation numbered 1(a) promulgated by Ex. Ord. No. 6156, June 6, 1933, which had been classified as parts VII and VIII of chapter 12A of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which were repealed by Pub. L. 85-857, §14(67), Sept. 2, 1958, 72 Stat. 1272.

The Veterans' Readjustment Assistance Act of 1952, referred to in subsec. (a)(2), is act July 16, 1952, ch. 875, 66 Stat. 663, as amended. Title II of the Veterans' Readjustment Assistance Act of 1952 was classified generally to subchapter II (§911 et seq.) of chapter 14 of former Title 38, which was repealed and the provisions thereof reenacted as chapter 33 (§1601 et seq.) of this title by Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1105. Chapter 33 of this title was repealed by Pub. L. 89-358, §4(a), Mar. 3, 1966, 80 Stat. 23. See chapter 32 (§3201 et seq.) of this title.

The War Orphans' Educational Assistance Act of 1956, referred to in subsec. (a)(3), is act June 29, 1956, ch. 476, 70 Stat. 411, as amended, which was classified generally to chapter 15 (§1031 et seq.) of former Title 38, which was repealed and the provisions thereof reenacted as chapter 35 of this title by Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1105.

Section 903 of the Department of Defense Authorization Act, 1981, referred to in subsec. (a)(6), is section 903 of Pub. L. 96-342, title IX, Sept. 8, 1980, 94 Stat. 1115, which is set out as a note under section 2141 of Title 10, Armed Forces.

The Hostage Relief Act of 1980, referred to in subsec. (a)(7), is Pub. L. 96-449, Oct. 14, 1980, 94 Stat. 1967, as amended, which was formerly set out as a note under section 5561 of Title 5, Government Organization and Employees.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, referred to in subsec. (a)(8), is Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 853, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of Title 22, Foreign Relations and Intercourse, and Tables.

AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110-252 amended par. (4) generally. Prior to amendment, par. (4) read as follows: "Chapters 30, 32, 34, 35, and 36 of this title, and the former chapter 33."

2004—Subsec. (a)(5). Pub. L. 108-375 inserted "1607," after "1606."

2001—Subsec. (a)(5). Pub. L. 107-103 and Pub. L. 107-107 amended par. (5) identically, substituting "1611" for "1610".

1999—Subsec. (a)(5). Pub. L. 106-65 substituted "Chapters 107, 1606, and 1610" for "Chapters 106 and 107".

1991—Pub. L. 102-83, §5(a), renumbered section 1795 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted "3101(5)" for "1501(5)".

1989—Subsec. (a)(8). Pub. L. 101-237, §423(a)(8)(B), added par. (8).

Subsec. (b). Pub. L. 101-237, §423(b)(1)(A), substituted "Secretary" for "Administrator".

1984—Subsec. (a). Pub. L. 98-525 inserted reference in cl. (4) to chapter 30 of this title, and in cl. (5) to chapter 106 of title 10.

Pub. L. 98-223, §203(c)(2)(A), substituted "48 months" for "forty-eight months", capitalized the first word in cls. (1) to (4), and added cls. (5) to (7).

Subsec. (b). Pub. L. 98-223, §203(c)(2)(B), substituted "subsection (a)" for "clauses (1), (2), (3), and (4)" and "48" for "forty-eight".

1980—Pub. L. 96-466 designated existing provisions as subsec. (a), substituted in par. (4) "chapters 32, 34, 35, and 36 of this title and the former chapter 33;" for "chapters 31, 34, 35, and 36 of this title, and the former chapter 33", in provisions following par. (4) struck out "but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone" after "(or the part-time equivalent thereof)", and added subsec. (b).

1972—Pub. L. 92-540, §403(13), inserted reference to chapter 36 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(a)(6) of Pub. L. 96-466, set out as a note under section 3681 of this title.

EFFECTIVE DATE

Section effective first day of second calendar month which begins after Oct. 23, 1968, see section 6(a) of Pub. L. 90-631, set out as a note under section 3500 of this title.

§ 3696. Limitation on certain advertising, sales, and enrollment practices

(a) The Secretary shall not approve the enrollment of an eligible veteran or eligible person in

any course offered by an institution which utilizes advertising, sales, or enrollment practices of any type which are erroneous, deceptive, or misleading either by actual statement, omission, or intimidation.

(b) To ensure compliance with this section, any institution offering courses approved for the enrollment of eligible persons or veterans shall maintain a complete record of all advertising, sales, or enrollment materials (and copies thereof) utilized by or on behalf of the institution during the preceding 12-month period. Such record shall be available for inspection by the State approving agency or the Secretary. Such materials shall include but are not limited to any direct mail pieces, brochures, printed literature used by sales persons, films, video tapes, and audio tapes disseminated through broadcast media, material disseminated through print media, tear sheets, leaflets, handbills, fliers, and any sales or recruitment manuals used to instruct sales personnel, agents, or representatives of such institution.

(c) The Secretary shall, pursuant to section 3694 of this title, enter into an agreement with the Federal Trade Commission to utilize, where appropriate, its services and facilities, consistent with its available resources, in carrying out investigations and making the Secretary's determinations under subsection (a) of this section. Such agreement shall provide that cases arising under subsection (a) of this section or any similar matters with respect to any of the requirements of this chapter or chapters 34 and 35 of this title shall be referred to the Federal Trade Commission which in its discretion will conduct an investigation and make preliminary findings. The findings and results of any such investigations shall be referred to the Secretary who shall take appropriate action in such cases within ninety days after such referral.

(Added Pub. L. 93-508, title II, §212(a), Dec. 3, 1974, 88 Stat. 1585, §1796; amended Pub. L. 94-502, title V, §§512, 513(a)(22), Oct. 15, 1976, 90 Stat. 2402, 2403; Pub. L. 98-543, title IV, §401, Oct. 24, 1984, 98 Stat. 2749; Pub. L. 101-237, title IV, §423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered §3696 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1796 of this title as this section.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “3694” for “1794”.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing and “Secretary’s” for “Administrator’s” in subsec. (c).

1984—Subsec. (d). Pub. L. 98-543 struck out subsec. (d) which provided that not later than 60 days after the end of each fiscal year the Administrator would be required to report to Congress regarding the disposition of cases under this section.

1976—Subsec. (b). Pub. L. 94-502, §512, added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c). Pub. L. 94-502, §§512(1), 513(a)(22), redesignated former subsec. (b) as (c) and substituted “making the Administrator’s determinations” for “making his determinations”. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 94-502, §512(1), redesignated former subsec. (c) as (d).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 512 and 513(a)(22) of Pub. L. 94-502 effective Dec. 1, 1976, and Oct. 15, 1976, respec-

tively, see section 703(b), (c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as an Effective Date of 1974 Amendment note under section 3452 of this title.

§ 3697. Funding of contract educational and vocational counseling

(a) Subject to subsection (b) of this section, educational or vocational counseling services obtained by the Department of Veterans Affairs by contract and provided to an individual under section 3697A of this title or to an individual applying for or receiving benefits under section 1524 or chapter 30, 32, 33, 34, or 35 of this title, or chapter 106 of title 10, shall be paid for out of funds appropriated, or otherwise available, to the Department of Veterans Affairs for payment of readjustment benefits.

(b) Payments under this section shall not exceed \$6,000,000 in any fiscal year.

(Added Pub. L. 100-687, div. B, title XIII, §1302(a), Nov. 18, 1988, 102 Stat. 4127, §1797; amended Pub. L. 101-237, title IV, §423(b)(1)(B), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-16, §2(b)(3), Mar. 22, 1991, 105 Stat. 49; renumbered §3697 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, §609(a), Nov. 2, 1994, 108 Stat. 4673; Pub. L. 110-252, title V, §5003(b)(2)(A)(vi), June 30, 2008, 122 Stat. 2375.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-252 inserted “33,” after “32.”.

1994—Subsec. (b). Pub. L. 103-446 substituted “\$6,000,000” for “\$5,000,000”.

1991—Pub. L. 102-83, §5(a), renumbered section 1797 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3697A” for “1797A” and “1524” for “524”.

Pub. L. 102-16 inserted “under section 1797A of this title or to an individual” after “individual”.

1989—Subsec. (a). Pub. L. 101-237 substituted “Department of Veterans Affairs” for “Veterans’ Administration” wherever appearing.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 609(b) of Pub. L. 103-446 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1994.”

§ 3697A. Educational and vocational counseling

(a) The Secretary shall make available to an individual described in subsection (b) of this section, upon such individual’s request, counseling services, including such educational and vocational counseling and guidance, testing, and other assistance as the Secretary determines necessary to aid the individual in selecting—

(1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective; or

(2) an employment objective that would be likely to provide such individual with satisfac-

tory employment opportunities in the light of the individual's personal circumstances.

(b) For the purposes of this section, the term "individual" means an individual who—

(1) is eligible for educational assistance under chapter 30, 31, 32, or 33 of this title or chapter 106 or 107 of title 10;

(2) was discharged or released from active duty under conditions other than dishonorable if not more than one year has elapsed since the date of such last discharge or release from active duty; or

(3) is serving on active duty in any State with the Armed Forces and is within 180 days of the estimated date of such individual's discharge or release from active duty under conditions other than dishonorable, including those who are making a determination of whether to continue as members of the Armed Forces.

(c) In any case in which the Secretary has rated the individual as being incompetent, the counseling services described in subsection (a) of this section shall be required to be provided to the individual before the selection of a program of education or training.

(d) At such intervals as the Secretary determines necessary, the Secretary shall make available information concerning the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent the Secretary determines practicable.

(e) The Secretary shall take appropriate steps (including individual notification where feasible) to acquaint all individuals described in subsection (b) of this section with the availability and advantages of counseling services under this section.

(Added Pub. L. 102-16, §2(a), Mar. 22, 1991, 105 Stat. 48, §1797A; renumbered §3697A, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 110-252, title V, §5003(b)(2)(B), June 30, 2008, 122 Stat. 2375.)

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-252 substituted "32, or 33" for "or 32".

1991—Pub. L. 102-83 renumbered section 1797A of this title as this section.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

[SUBCHAPTER III—REPEALED]

[§§ 3698, 3699. Repealed. Pub. L. 108-183, title III, § 306(e), Dec. 16, 2003, 117 Stat. 2661]

Section 3698, added Pub. L. 93-508, title III, §301(a), Dec. 3, 1974, 88 Stat. 1589, §1798; amended Pub. L. 94-502, title V, §§502(a), 513(a)(23), Oct. 15, 1976, 90 Stat. 2399, 2403; Pub. L. 95-202, title I, §104(3), title II, §202, Nov. 23, 1977, 91 Stat. 1435, 1438; Pub. L. 95-476, title II, §201, Oct. 18, 1978, 92 Stat. 1502; Pub. L. 96-466, title II, §§203(4), 213(4), title VI, §§601(h), 603(b), title VIII, §801(g), Oct. 17, 1980, 94 Stat. 2189, 2191, 2208, 2209, 2216; Pub. L. 97-35, title XX, §2005(d), Aug. 13, 1981, 95 Stat. 783; Pub. L. 97-295, §4(60), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 97-306,

title II, §208, Oct. 14, 1982, 96 Stat. 1436; Pub. L. 98-543, title II, §204(3), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 100-689, title I, §124(b), Nov. 18, 1988, 102 Stat. 4174; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-16, §5(a), Mar. 22, 1991, 105 Stat. 50; renumbered §3698 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406, related to eligibility for loans under this subchapter.

Section 3699, added Pub. L. 93-508, title III, §301(a), Dec. 3, 1974, 88 Stat. 1591, §1799; amended Pub. L. 94-502, title V, §513(a)(24), Oct. 15, 1976, 90 Stat. 2404; Pub. L. 97-295, §4(61), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 101-237, title IV, §423(b)(1), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered §3699 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406, related to revolving fund available for making of loans under this subchapter.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Dec. 16, 2003, see section 306(h)(2) of Pub. L. 108-183, set out as an Effective Date of 2003 Amendment note under section 3485 of this title.

REPEAL OF PROVISIONS RELATING TO OBSOLETE EDUCATION LOAN PROGRAM

Pub. L. 108-183, title III, §306(a)–(c), Dec. 16, 2003, 117 Stat. 2661, provided that:

"(a) **TERMINATION OF PROGRAM.**—The Secretary of Veterans Affairs may not make a loan under subchapter III of chapter 36 of title 38, United States Code, after the date of the enactment of this Act [Dec. 16, 2003].

"(b) **DISCHARGE OF LIABILITIES.**—Effective as of the date of the transfer of funds under subsection (c)—

"(1) any liability on an education loan under subchapter III of chapter 36 of title 38, United States Code, that is outstanding as of such date shall be deemed discharged; and

"(2) the right of the United States to recover an overpayment declared under section 3698(e)(1) of such title that is outstanding as of such date shall be deemed waived.

"(c) **TERMINATION OF LOAN FUND.**—(1) Effective as of the day before the date of the repeal under this section of subchapter III of chapter 36 of title 38, United States Code [see Effective Date of Repeal note above], all monies in the revolving fund of the Treasury known as the 'Department of Veterans Affairs Education Loan Fund' shall be transferred to the Department of Veterans Affairs Readjustment Benefits Account, and the revolving fund shall be closed.

"(2) Any monies transferred to the Department of Veterans Affairs Readjustment Benefits Account under paragraph (1) shall be merged with amounts in that account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in that account."

CHAPTER 37—HOUSING AND SMALL BUSINESS LOANS

SUBCHAPTER I—GENERAL

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SUBCHAPTER II—LOANS

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